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**Code Enforcement Activity and Impact in Austin, TX's Gentrifying  
Neighborhoods**

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**Code Enforcement Activity and Impact in Austin, TX's Gentrifying  
Neighborhoods**

**by**

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**Report**

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## **Abstract**

# **Code Enforcement Activity and Impact in Austin, TX's Gentrifying Neighborhoods**

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Abstract: Community members and advocates have expressed concern that Austin Code enforcement activity in the city's gentrifying neighborhoods contributes to residential displacement pressure. However, there is lack of clarity as to whether code is over-enforcing, causing financial pressure on low-income homeowners and property owners, or under-enforcing, exacerbating health, safety, and displacement risks for low-income tenants. In this report, I compare the frequency of residential code complaints for 2018 and stage of gentrification for Austin census tracts. I find that neighborhoods in Austin that are vulnerable to gentrification or in a stage of gentrification experience considerably higher rates of code complaints than neighborhoods that are not gentrifying and not vulnerable. This finding holds true for all major code complaint categories. Furthermore, this heightened complaint frequency cannot be accounted for by age and quality of housing stock alone, as complaint categories that are not related to structural conditions follow similar patterns. Several code complaint types increase in frequency

between gentrification stages. Code complaints for multi-family properties are highest in neighborhoods that are susceptible to gentrification and adjacent to a gentrifying tract, or “next in line” to gentrify.

Interviews with supervisors from the Austin Code department and expert-advocates from the Austin tenant advocacy community help clarify and interpret the results of these tests, and provide additional insight on the impact of code enforcement on residential vulnerability and neighborhood change. Topics that are discussed and debated include: potential developer abuse of the anonymous code complaint system, Austin Code’s mission and strategies, rental registration and proactive enforcement tradeoffs, and Austin Code data management and public data sharing processes. Recommendations suggest both administrative and legislative considerations that could help Austin Code better understand and serve the needs of the city’s vulnerable renters and homeowners.

## Table of Contents

List of Tables .....	x
List of Figures .....	xi
Chapter 1: Introduction .....	1
Chapter 2: Background and Literature Review .....	14
Code enforcement history and controversy in Austin, TX .....	14
Recent studies on correlations between 3-1-1 complaint calls and gentrification....	24
Neighborhood diversity and social conflict.....	27
High-level code enforcement history and conceptualization.....	29
Chapter 3: Methodology .....	37
Primary test.....	37
Additional tests .....	42
Interviews.....	44
Chapter 4: Findings.....	46
Tests by complaint type .....	47
Land Use Violations .....	48
Property Abatement .....	49
Structural Violation.....	50
Work Without Permit.....	51
Isolated Single- and Multi-Family property tests .....	52
Single-Family.....	52
Multi-Family .....	53
Test by C-TERM priority number .....	54

Chapter 5: Interviews.....	56
What test results suggest, and limitations to what conclusions we can draw .....	57
Initial insights into displacement risk associated with code enforcement for low-income renter and homeowner-occupied properties, and differences between the two .....	61
Data hygiene issues, and overall limitations of code data .....	66
Code’s mission, as it is and as it should be.....	70
Austin Code’s understanding and training on gentrification and displacement .....	77
Code officer discretion and departmental strategic discretion.....	79
Anonymous complaint systems .....	81
Abuse of code by developers or others.....	83
Code’s understanding of how community in gentrifying neighborhoods understands them .....	86
The value of rental registration and proactive enforcement .....	87
Where can improvements be made? .....	89
Code’s feelings about community/advocate feedback.....	92
Chapter 6: Discussion .....	94
Takeaway 1: Code complaint frequency and gentrification correlation.....	96
Takeaway 2: The housing stock quality factor .....	97
Takeaway 3: Multi-family property complaints .....	99
Takeaway 4: Late-stage gentrification tract complaints .....	100
Takeaway 5: Property abatement complaints .....	102
Takeaway 6: Possible developer abuse of complaint system .....	102
Takeaway 7: Austin Code’s mission and strategies.....	103
Takeaway 8: Code officer discretion .....	106



Takeaway 9: Rental registration and proactive enforcement.....	107
Takeaway 10: Austin Code data hygiene and transparency .....	109
Chapter 7: Conclusion.....	112
Code enforcement, gentrification, and low-income homeowners .....	112
Code enforcement, gentrification, and low-income renters.....	114
Code enforcement, gentrification, and social tension.....	116
Recommendations.....	117
Limitations .....	121
Further research .....	124
Appendix A: Testing a different year’s code complaints: 2016 instead of 2018 code complaint data.....	127
2016 Findings .....	128
Appendix B: Additional methodology step-by-step details – managing and joining data layers and content.....	129
Appendix C: Adding a “vulnerability” category to the streamlined gentrification categories .....	132
Appendix D: Interview Protocol.....	135
Appendix E: Test result tables .....	137
Works Cited .....	140

## **List of Tables**

Table 1: Tract type descriptions.....	4
Table 2: Tract Type Category Simplification Key .....	41
Table 3: City of Austin 2018 Complaint Type Count.....	48
Table 4: City of Austin 2018 tract-level code complaints per occupied household .....	137
Table 5: City of Austin 2018 tract-level Land Use Violation code complaints per occupied household.....	137
Table 6: City of Austin 2018 tract-level Property Abatement code complaints per occupied household.....	138
Table 7: City of Austin 2018 tract-level Structural Violation code complaints per occupied household.....	138
Table 8: City of Austin 2018 tract-level Work Without Permit code complaints per occupied household.....	138
Table 9: City of Austin 2018 tract-level Single-family code complaints per occupied household .....	139
Table 10: City of Austin 2018 tract-level Multi-family code complaints per occupied household .....	139

## **List of Figures**

Figure 1: C-TERM Tiered Enforcement Response Matrix (Wright, 2018, slide 37) .....	20
Figure 2: Code complaints per occupied household, tract-level, City of Austin, 2018.....	46
Figure 3: Land Use Violation complaints per occupied household, tract-level City of Austin, 2018 .....	49
Figure 4: Property Abatement complaints per occupied household, tract-level City of Austin, 2018 .....	50
Figure 5: Structural Violation complaints per occupied household, tract-level City of Austin, 2018 .....	51
Figure 6: Work Without Permit complaints per occupied household, tract-level City of Austin, 2018.....	52
Figure 7: Single-family code complaints (all categories) per occupied household, tract-level City of Austin, 2018 .....	53
Figure 8: Multi-family code complaints (all categories) per occupied household, tract- level City of Austin, 2018.....	54

## **Chapter 1: Introduction**

At an East Austin community meeting hosted by the City's Anti-Displacement Task Force in early 2018, a local resident stood up in the audience to speak to the task force members and city officials that were present. He claimed that as the land market in his neighborhood had heated up in recent years, he and his neighbors had experienced a suspicious ramp up in code enforcement activities. He did not clarify whether he believed this was attributable to strategic action by Austin Code (Austin's agency in charge of code enforcement) itself, or whether he believe that bad actors were using code complaints as a tactic to put extra pressure on low-income homeowners. But he was clear about this: Code personnel were not present in his neighborhood before, and now they were. He said that the money, time, and process navigation that it took to manage a code violation were putting additional pressures on East Austin residents who were vulnerable to displacement. Cheers, acknowledgements, and confirmations arose from other neighborhood residents in attendance as he spoke.

Claims that Austin Code willingly or unwittingly contributes to displacement pressure for vulnerable residents in neighborhoods experiencing gentrification by placing additional financial and bureaucratic burdens on homeowners and property owners that pressures them to sell to developers and flippers have been echoed by community advocates and even an East Austin city councilmember (Hernandez, 2018; McGhee, 2017). However, tenants-rights groups and advocates have regularly criticized Code for the opposite: not adequately protecting the health and safety of vulnerable renters,

through under-enforcement or ineffective enforcement of building code at low-income, multi-family properties (Austin Code Department, 2017; McGlinchy, 2016; Way, Trinh, & Wyatt, 2013; Ullosa, 2012). Vulnerable Austin residents and groups that represent them would seem to be suspicious of Code both *over-enforcing*, contributing to displacement pressure for vulnerable residents, and *under-enforcing*, contributing to negative health and safety outcomes for vulnerable residents and also possibly leading to eventual displacement.

This report attempts to contribute analysis and perspective to the conversation about Austin Code’s activities in neighborhoods experiencing demographic change, gentrification, and displacement. This study compares 3-1-1 code complaint data from the City of Austin Open Data Portal with gentrification-stage measurements for all census tracts in the City of Austin from the 2018 University of Texas “Uprooted” report on gentrification and displacement for Austin City Council.<sup>1</sup> This comparison answers a basic question: Are there more code complaints per occupied household in tracts that are experiencing gentrification, displacement, and neighborhood change than in other tracts in Austin? I conduct additional tests to assess the frequency of specific complaint types, and frequency of complaints on specific types of units. These test results are then supplemented with interviews with local expert-advocates and Austin Code supervisors, who help interpret the results of the analysis and also contextualize the conversation with what they see in the department and in the community.

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<sup>1</sup> I was a contributing researcher on the “Uprooted” report.

This report draws inspiration from a series of recent studies that compare 3-1-1 nuisance complaints (e.g. loud music) to tract or neighborhood level gentrification. These studies – all of which look at New York City neighborhoods – identify correlations between neighborhood change and increased nuisance complaints. They suggest that increased complaints, beyond their potential contribution to displacement of vulnerable residents, may also indicate social disorder between new and old residents, who may navigate social conflict in different ways and/or have different quality of life expectations for themselves and neighbors.

The findings in this report show that code enforcement in Austin occurs at significantly higher frequencies in neighborhoods that are vulnerable to displacement or are experiencing gentrification than in neighborhoods that are not vulnerable and not gentrifying. This is true even for complaint types that are not health and safety related, and are not directly related to age and quality of building stock. This analysis finds that the frequency of code complaints in Austin in 2018 per occupied household in each census tract is highly correlated with whether the area is in a stage of gentrification. Tracts that are not gentrifying and not vulnerable to gentrification experienced code complaints at a rate of 3.9% per occupied household in 2018. Tracts that are vulnerable to gentrification, currently gentrifying, or already gentrified see code complaint rates between 7.4% and 8.9%. Table 1 breaks down the tract typology used in this report.

### Tract types

Not gentrifying, not vulnerable	Tracts that do not have the demographic mix that would make them vulnerable to gentrification
Vulnerable	Demographically vulnerable to displacement, but not currently gentrifying
Susceptible	Vulnerable and also adjacent to a gentrifying tract, likely to gentrify soon
Gentrifying	Currently experiencing displacement and neighborhood change
Gentrified	Has already experienced significant displacement and neighborhood change

Table 1: Tract type descriptions

I also tested whether the frequency of major complaint type categories correlated to gentrification stage. I found that each of the four major complaint type categories<sup>2</sup> correlates to demographic vulnerability and gentrification, and each is higher in tracts that are in stages of gentrification than in not gentrifying tracts. Land Use Violations are significantly higher in actively gentrifying (2.5% per occupied household) or gentrified (3.4%) tracts than elsewhere in the city (1.1% to 1.3%). Property abatement complaints are much higher in all stages of gentrification (3.4-4.3%) than they are in non-gentrifying, not vulnerable tracts (1.8%). Structural code complaints are low in not gentrifying

<sup>2</sup> The major categories used in Austin Code's complaint database tested here are defined as follows:

**Land use violations:** violations of Austin's land development (i.e. zoning) code.

**Property abatement:** a variety of violations having to do with the upkeep of properties, such as pulling in trash cans in a reasonable amount of time ("carts at curb") and "tall grass and weeds."

**Structural violations:** violations involving the quality of structures themselves, ranging from cracks or holes in roofs to broken windows to water leaks that cause mold.

**Work without permit:** improvements made to a property that are have not been property permitted with the City's Development Services department.

neighborhoods (0.6%), rise in vulnerable tracts (2.4%), peak in susceptible tracts (2.8%), start to fall in gentrifying tracts (2.2%), neighborhoods, before settling again at a lower level in neighborhoods that are already gentrified (1.1%). Work without permit complaints, which make up a smaller overall percentage of total code complaints, are low in not gentrifying and vulnerable neighborhoods (~0.1%), rise in gentrifying neighborhoods (0.3%) and again in gentrified neighborhoods (0.5%). Chapter 3 lays out the methodology used to generate these results, and Chapter 4 describes these findings in greater detail.

I supplemented these quantitative findings with interviews with both Austin Code supervisors and Austin-based experts and advocates who have experience with code enforcement and housing displacement issues. These interviews are presented in Chapter 5. Interviewees helped clarify and interpret the results of the quantitative tests, and suggested additional tests, such as individually testing different complaint types, which I then conducted. Interviewees provided critical context and nuance to the issues facing Austin Code and its potential relationship to residential gentrification and displacement. The topics of the interviews were wide ranging on this topic, and stretch beyond analysis of the primary tests in this report. However, the interviews provide valuable information sharing and problem identification that should be useful for stakeholders, and are presented in detail.

Beyond the primary data findings of this report, further findings and takeaways are pulled from interviews and synthesis of data findings, interviews, and a literature



scan. These findings range from the conceptual to the very practical, and are discussed in Chapters 6 and 7.

For low-income tenants, code enforcement represents a complicated bundle of displacement and health and safety risk regardless of whether a neighborhood is gentrifying. In order to consider the relationship between code enforcement and gentrification-related displacement, I must first be clear that code enforcement presents risks for low-income tenants that are not unique to gentrification. In Making Our Neighborhoods, Making Ourselves, George C. Galster details the movement of housing units between different housing quality submarkets. He warns that if property owners are “unable to secure even minimal prospective rates of return” on their investment even in the lowest-income submarket, they might “retire” the property from the housing market (Galster, 2019, p. 63). In other words, if a property owner’s profit is lower than the “minimally needed operational resources,” they may remove the property from the market all together (p. 65). For rental housing in the lowest-income submarket, code enforcement represents a threat to tenants by essentially raising the floor of “minimally needed operational resources” such that the property owner will be incentivized to abandon, demolish, or sell the structure and displace its tenants rather than continue operating it at a loss. Or, property owners may respond to code enforcement by making improvements that shift the property into a higher-income submarket, which could also displace low-income tenants who cannot afford new rents (p. 63). Thus, even in neighborhoods that are not gentrifying, code enforcement represents a threat to low-income tenants, as it can cause properties to “fall out the bottom” of the rental market if

they become financially inviable for property owners, *or* it can incentivize property owners to pursue improvements to properties that raise rents. (Although this phenomenon could occur in any type of low-income neighborhood, in neighborhoods that are gentrifying it would carry more severe incentives for property owners and more risk for tenants.)

Additionally, on an individual basis, enforcement can lead to retaliatory eviction against tenants who call in code complaints. In Generation Priced Out's chapter on the struggles of low-income tenants in Austin, TX, Randy Shaw reports that the Austin tenants he spoke to "feared being evicted in retaliation for complaining to the city" (Shaw, 2018, p. 80). Poor rental protections in the state make it difficult for tenants to protect themselves from landlord retaliation (Shaw, 2018, p. 80; Susan interview, 2019). It must be emphasized that the phenomena identified by Galster and Shaw can lead to displacement even in neighborhoods that are not experiencing gentrification and demographic change. However, gentrification can increase or accelerate these risks, which I will now discuss.

Conceptually, when I ask, "Is gentrification related to an increase in code complaints?" I may actually be implying three different phenomena:

1. **Financial pressure on low-income homeowners:** As the theory goes, bad actor developers abuse complaint-driven code enforcement systems to put extra financial pressure on low-income homeowners struggling to stay in place.

Another version of this theory has code enforcement themselves collaborating and putting extra pressure on homeowners in areas experiencing gentrification and

neighborhood change. Rumors of this sort of activity have persisted in Austin in recent years, which I will discuss in Chapter 2.

2. **Accelerating displacement pressure for low-income renters:** All of the displacement pressures that code enforcement could contribute to described earlier in this chapter (incentivizing property owners to make improvements that price out current tenants, large-scale redevelopment, demolition) are accelerated in gentrifying neighborhoods. The theory that bad actor developers might abuse code complaints as a tool to increase pressure on property owners even more in gentrifying neighborhoods could apply to rental properties as well.
3. **Social tension between new and long-time residents:** A final theory suggests that an increase in code complaints in gentrifying neighborhoods could be caused by lifestyle expectations and differences between different communities of old and new residents of different races, classes, and cultural backgrounds. This is similar to the suggested relationship between gentrification and 3-1-1 nuisance calls. In this scenario, a new resident in a gentrifying neighborhood might call in a complaint on a long-time resident, due to a different expectation for how to deal with interpersonal neighborhood conflict or a different quality of life expectation. One Austin Code officer I spoke to suggested that it is even possible in this scenario that the complaining person is not calling Code maliciously but rather out of concern. The effect that complaints driven by social tension and differences would have on actual displacement is not clear, but this would be an effect of gentrification worth considering, regardless.

On a more practical level, local advocates and experts and even Austin Code supervisors agree that improvements could be made to Austin Code's data hygiene. A lack of clear categorical, database-level information on specific complaint and property characteristics make developing a better understanding of Code's impact on vulnerable residents extremely difficult, time-consuming, costly, and could lead to lower accuracy. Problems with Austin Code's data internal and public facing tracking of code complaints and violations include the following:

- It is not possible with the currently available code complaint dataset to meaningfully assess change over time, as the database-level complaint and violation entry log prior to 2016 is not clean or complete.
- With the current level of categorical complaint and violation data that Code tracks, it is difficult to assess which complaints are life and safety threats and which are quality of life complaints. Categorical, specific "violation type" information, which has recently been made available for "Repeat Offender" properties, is needed for all complaints and violations at a database-level. This information and level of nuance would be valuable for this report, and for a variety of tenant advocacy and support activities.
- Code enforcement can have different impacts on low-income renters and low-income homeowners. However, Austin Code does not track whether complaints and violations are directed at renter or owner-occupied properties. A homeowner/renter-occupancy categorical field would begin to help clarify the effects and impacts of code enforcement for these different categories of

occupants. Even if the “renter/homeowner-occupied” field were not perfectly accurate – for instance, self-reported by complaint caller, and then corrected by the code inspector– this information would still begin to give shape to the separate impacts that code is having for renter and homeowner populations.

- Code supervisors report that insufficient database structuring also leads to internal inefficiencies: Supervisors report that when searching for eligible properties for the department’s Repeat Offender Program (ROP), database queries do not categorically and automatically produce a list of properties to be added to the program. Rather, queries produce a list of properties that *might* be eligible, which then must be manually inspected and researched to determine a) if they are rental properties, and b) whether the violations the properties have incurred are ROP-eligible. This departmental process inefficiency would be resolved by including a) a categorical renter/homeowner field and b) a categorical field of specific “complaint types” beyond the general high-level complaint type categories that are currently available.
- The City of Austin Open Data Portal only provides a dataset of code *complaint* entries (CCs). A dataset of confirmed *violations* (CVs) or violations that have resulted in legal action (CLs) is not provided. This may be due to personal information that would need to be redacted in the CV notes fields. The same notes field is where field inspectors capture information on specific violation type (beyond the general violation category). By shifting data capture from the notes field (which can’t be shared publicly without time consuming and expensive

redaction) to categorical fields for “renter/owner occupancy” and “detailed violation type,” Code would make this information sharable, and experts, advocates, and the public would be able to get a better sense of impacts and frequency of complaints and population types.

Another major takeaway of this report concerns Austin Code’s mission, and whether it is responsive to the needs of both homeowner *and* renter populations. Interviewees from Austin Code can all confidently articulate Austin Code’s current central strategy, to “educate, collaborate, then enforce.” However, interviewees provided mixed answers when asked how the education and collaboration components of this mission functions in a tenant/landlord context, especially in the case of absentee landlords. Though community education and collaboration may be commendable priorities in an owner-occupancy context, in a tenant context, questions like “education for whom?” and “collaboration with whom?” do not easily translate. The majority of Austin residents facing health, safety, and displacement risks are renters, and Code should better articulate how their mission serves these vulnerable residents.

Informed by interviews, I develop a range of possible reforms that could help Austin Code begin to address the issues discussed above. Some of these are administrative and could be addressed internally by Code. Others are legislative, and would require action from Austin City Council:

- *Two parallel strategic directions* – one for renter-occupied properties and one for homeowner-occupied properties – in order to better support the divergent needs and risks for vulnerable renters and homeowners.

- *Better training* for Code officers, inspectors, and supervisors about gentrification and displacement causes, impacts, and pressures on low-income renters and homeowners, and the ways that Code could or does contribute to these phenomena
- *Reviving consideration of a “rental registration” program*, or some other form of proactive enforcement, that would require regular, periodic inspection of all rental units in the city. (However, one advocate expressed concern that this could increase apartment flips and demolitions and increase displacement for low-income renters.)
- *Data hygiene improvements* (discussed above)
  - Categorical, detailed violation types for all complaints (CCs) and violations (CVs)
  - A “renter/owner-occupancy” categorical field for all entries
  - Complete basic complaint data entries for years prior to 2016 for change over time comparisons, including at minimum the following fields
    - Complaint number
    - Complaint date
    - Complaint type
    - Complaint priority (if available)
    - XY coordinates

Tricky nuances abound in the relationship between code enforcement and gentrification. Code could be abused by bad actors, or misused without ill intent by new

neighbors with different quality of life expectations. Either activity is difficult to detect due to anonymity and/or lack of demographic data for both the person who complains and the person who occupies or owns the property that is complained about. For renters in Austin's hot market and Texas' renter-unfriendly regulatory environment, complaint-driven code enforcement – really, any code enforcement – is a balancing act between unlivable health and safety conditions, and the self-inflicted wound of increasing risk of displacement by increasing the likelihood of eviction, “condoization,” or sale and demolition. To make matters more confusing, the variety of ways in which code complaints and displacement might intersect makes it extremely difficult to identify correlation, impact, and meaning.

A level of accuracy and nuance is necessary when discussing the ways that code enforcement does or might contribute to or accelerate displacement in Austin's vulnerable neighborhoods. This study shows simply that the presence of Austin Code is very different in gentrifying and not gentrifying neighborhoods, and that this difference tracks across all major complaint categories, even those that do not have to do with health and safety. Anecdotally, both expert-advocates and Austin Code supervisors believe that code enforcement may be misapplied or abused to contribute to residential displacement. More and better categorized data will help Code and local advocates develop a better understanding of the cause of these discrepancies. Training and operational reform on displacement, and on the different pressures and impacts on high-risk renters and homeowners will help Code more equitably serve the health, safety, and quality of life needs of all residents.



## **Chapter 2: Background and Literature Review**

This chapter grounds the various threads that contribute to this report's central question of whether code complaints and neighborhood gentrification are correlated in Austin, and what that might imply. In the first section of this chapter, I survey the recent history and context of Austin Code, and describe common themes in the relationship between the department and local advocates for tenants and homeowner groups. Next, I review three recent studies out of New York City that identify a link between increasing 3-1-1 nuisance complaints and neighborhood gentrification. I use these studies as a methodological precedent for the research in this report. I then briefly consider sociological research on the relationship between community diversity and social capital. Finally, I review research and common theoretical frameworks concerning code enforcement in general.

### **CODE ENFORCEMENT HISTORY AND CONTROVERSY IN AUSTIN, TX**

This section provides a brief overview of Austin Code, the city's code enforcement department, and the common concerns about the department levied by outside observers in the past decade. The section pulls from departmental documents, news coverage, reports and audits, and a statement from community member blog. I also incorporate helpful background information that was provided during key stakeholder interviews. Although interviews are primarily discussed in Chapter 5, interviewees also

provided helpful factual background information that helps “set the stage” for the report, which is included here.

The department that we now call Austin Code is actually a confluence of different inspection and enforcement services that were not always housed in the same city department. As of 2002, property abatement inspection was under the purview of the City of Austin’s Health and Human Services Department, before moving to Solid Waste Services (Wright, 2018, slide 18). Meanwhile, Land Use and Structural Condition violations were managed first by Development Services, and then by Planning and Zoning, before merging with the Property Abatement in Solid Waste Services around 2007 (Wright, 2018, slide 18). According to interviewee Rachael, code enforcement was moved to Solid Waste Services in order to take advantage of and participate in that department’s enterprise fund, meaning that Austin utility revenue could be used to fund the city’s code enforcement activities (Rachael interview, 2019). During this period, several quality-of-life inspection and enforcement services, such as work without permit and “Bandit” sign enforcement, were added to the department’s inspection purview (Wright, 2018, slide 18). In 2009, the City of Austin launched a standalone department: Code Compliance (Wright, 2018, slide 18). Since 2009, many more quality-of-life inspection and enforcement services have been added to the department’s purview, including “carts at curb” and short-term rental enforcement (Wright, 2018, slide 18). Code Compliance rebranded in 2014 as “Austin Code,” which is the name of the department today (Wright, 2018, slide 18).

In May 2012, Code Compliance faced scrutiny after a second-story walkway collapsed at the Wood Ridge Apartments in Southeast Austin, which eventually led to the condemnation of the complex and the displacement of more than 160 residents (Coppola, 2013). Another complex was evacuated in October of that same year, leading to the displacement of 60 residents (Ullosa, 2012). Questions about flaws in the city's code enforcement strategy emerged in the wake of these incidents, which led to scrutiny and investigation of the Code Compliance department by the University of Texas Law Entrepreneurship and Community Development Clinic and the Austin American-Statesman. Critics argued that reactive enforcement led to vulnerable tenants not calling in life-threatening code complaints for fear of retaliation, and that the City did not have mechanisms in place to effectively punish and litigate against negligent landlords (Ullosa, 2012). The 2013 UT Law Entrepreneurship and Community Development Clinic report, "An Analysis of Rental Property Registration in Austin," uncovered dangerous property conditions and stories of multiple unaddressed code complaints from tenants in low-income multi-family rental apartments (Way, Trinh, & Wyatt, 2013, p. 3-4, 29-30).

Two proposals to address these concerns emerged from Austin City Council: One ordinance called for comprehensive "rental registration" pilot program for specific neighborhoods in Austin (and potential for city-wide expansion later on) with proactive enforcement for all rental properties (Coppola, August 2013; Coppola, September 2013). The other called for the development of a "repeat offender" program that more narrowly targeted rental properties with two or more eligible code violations within a two-year period (Way, Trinh, & Wyatt, 2013, p. 4). Supporters of the repeat offender program

argued that rental registration would be too far reaching and would unfairly burden responsible property owners (Coppola, September 2013). Rental registration supporters, on the other hand, argued that registration and proactive enforcement would help identify and correct problems before they became costly, burdensome, or dangerous (Coppola, September 2013). In the end, the latter resolution won the day, and Austin's Repeat Offender Program was born (Coppola, September 2013).

Austin Code launched its Repeat Offender Program, or "ROP," in 2013 (Way, Sanchez, & Petersen, 2015, p. 1). Program eligibility is determined on "2-5-2" criteria: Rental properties are eligible for ROP if they have had two or more notices of violation in a 24-month period that were not complied with in a timely manner, or five or more notices of violation issues within a 24-month period, or two citations for dangerous health and safety conditions within a 24-month period (Way, Sanchez, & Petersen, 2015, p. 3). Simply having a high number of complaints does not make a property ROP-eligible. Rather, program eligibility is determined by an assessment of confirmed *violations* within a 24-month period. All properties on ROP must pay a fine/fee (Way, Sanchez, & Petersen, 2015, p. 3). ROP inspectors are charged with investigating complaints on ROP properties within 24 hours, no matter the complaint type, compared to up to five-day response times for some complaints on non-ROP properties (Matthew interview, 2019). ROP properties also receive annual inspections, which involve the inspection of all grounds and structure exteriors, all vacant units, and at least 10% of occupied units (Matthew interview, 2019). Although ROP properties are primarily multi-family, the

ordinance is not multi-family specific, and there are single-family properties on the program (Way, Sanchez, & Petersen, 2015, p. 3).

After hearing concerns about dysfunction within the ROP program, the UT Law Entrepreneurship and Community Development Clinic produced a follow up assessment of the program in 2015. The report found numerous problems and oversights with the program, including in identification of ROP properties, violation monitoring and stakeholder access to data, and enforcement on ROP properties (Way, Sanchez, & Petersen, 2015, p. 6, 11, 15). According to the report, Austin Code's reliance on complaint-driven violations to identify ROP properties resulted in known substandard rental properties not being included on the list (p. 6). The report also identifies a program-design bias toward larger properties, as these would be more likely to produce multiple complaints than properties with fewer units, regardless of livability. The report suggests that inefficiencies in Code database management results in poor program coordination and data-sharing with other relevant city departments (e.g. Neighborhood Housing, Planning and Zoning, utilities, Fire, Police) and stakeholders (p. 11). In terms of enforcement, the study found that many ROP properties had failed to register with the city, and that violations were not being addressed within required timeframes, and that follow-up inspections by code inspectors to determine whether a violation had been resolved were not being conducted in a timely manner (p. 16-18). The authors of the report argue that, "the persons who suffer the most as a result of these delays are the tenants" (p. 18).

In 2016, the City of Austin Auditor conducted general audit of Austin Code, “partially due to media attention and resident feedback regarding inconsistent, and sometimes conflicting, messages received from Austin Code” (City of Austin, 2016, p. 1). The audit found issues with a staggering 77% of reviewed cases, stating that “code violation investigation, documentation, and resolution practices vary across cases, due to a lack of management oversight” (p. iii). The audit notes that the department did not engage in regular reviews or monitoring of field activities (p. 6-7). It concluded that these oversights and inconsistencies could lead to difficulty managing enforcement, and that this ultimately increased safety risk for residents (p. 2).

The audit found that “Austin Code does not have an effective process to prioritize response to high-risk complaints and promptly address cases that may pose danger to the public” (City of Austin, 2016, p. 3). Austin Code responded to this concern with the development of the C-TERM “Code Tiered Enforcement Response Matrix” for prioritizing response times [Figure 1]. The C-TERM “priority inspection scheduling system” assigns all code complaints a number from “Priority 5” (lowest priority) to “Priority 1” (highest priority) (Wright, 2018, slide 37). Each priority number is assigned a required response time from the department. For instance, Code officers must respond to “Priority 2: High Risk-Hazard/Time Sensitive” complaints within 24 hours, whereas they only have to respond to “Priority 5: Other Abatement” complaints within five days. Notably, high priority C-TERM violation types include short-term rentals, even though

the directive for the prioritization system was to address potential “danger[s] to the public” (Wright, 2018, slide 37; City of Austin, 2016, p. 3).<sup>3</sup>

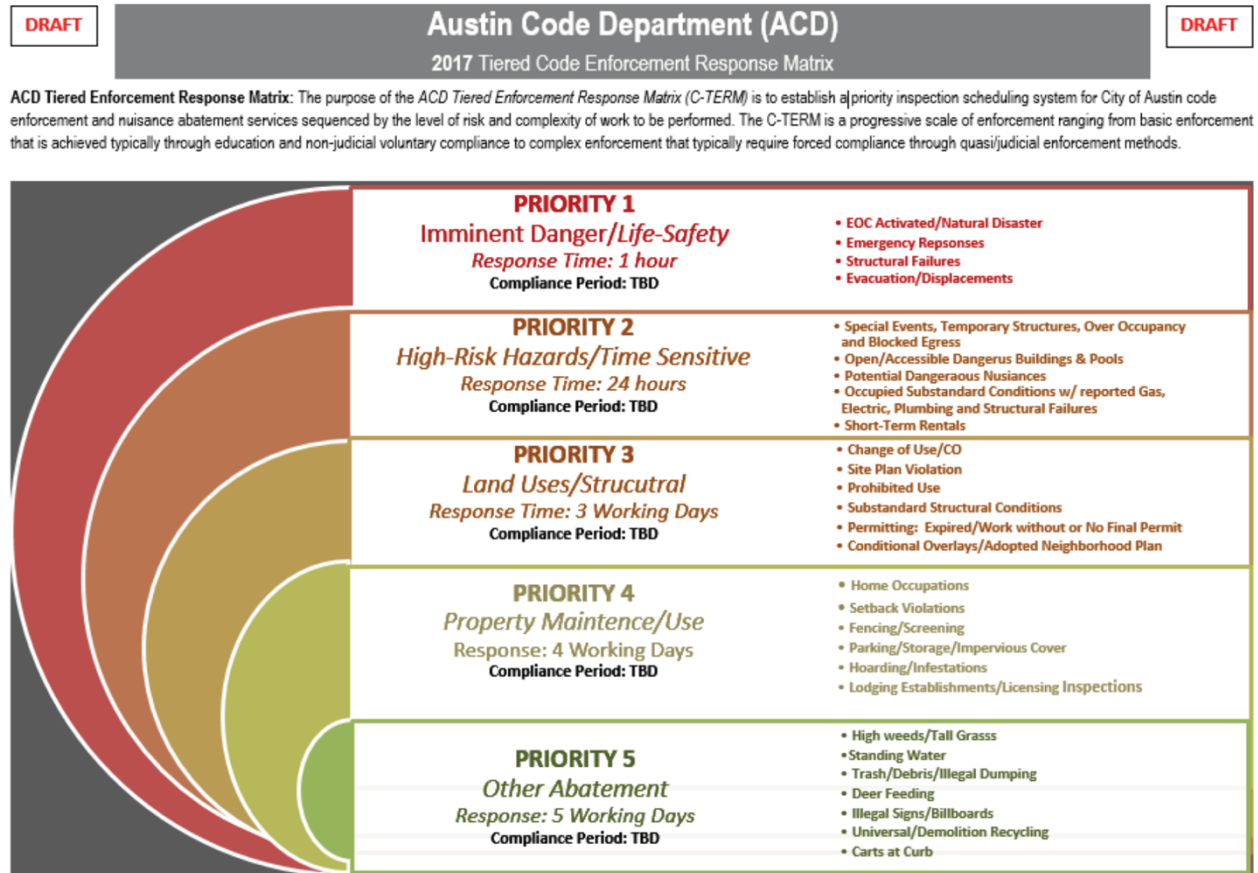


Figure 1: C-TERM Tiered Enforcement Response Matrix (Wright, 2018, slide 37)

The history of concerns and criticisms of Austin Code outline above can be generally categorized as resulting from under-enforcement or inadequate. However, complaints have also been levied against Austin Code for over-enforcement and/or

<sup>3</sup> One interviewee expressed concern that under C-TERM, short-term rental inspections would be reviewed by Austin Code with a higher priority than pressing health and safety violations affecting vulnerable tenants, such as a “hole in the roof” (Susan interview, 2019). Indeed, short-term rentals are a “Priority 2,” whereas substandard structural conditions are only a “Priority 3” (Wright, 2018, slide 37).

targeted enforcement, which, according to the argument, places additional financial and bureaucratic pressure on low-income homeowners. A 2014 KUT article titled “Why the City’s Cracking Down on Code Violations in Southeast Austin” outlines Code’s “full force” enforcement in the Dove Springs neighborhood and southeast Austin follow the collapse of the Wood Ridge Apartments balcony and extensive flooding from Onion Creek (Diaz, 2014). Although it would not seem related to the balcony collapse or flooding, the article indicates that illegal garage conversions are a main target of this increased enforcement, and a major source of anxiety and struggle for low-income homeowners. One resident states that he bought his house with a garage conversion already in place, and had never considered whether it was legal until confronted by Austin Code. At the time of writing, this resident now faced an extensive permitting process involving money, time, and possible fines, or else the daunting prospect of converting the garage back, which could cost thousands of dollars.

This financial pinch experienced by low-income homeowners is picked up by Montopolis anti-displacement activist Fred McGhee in his blog post “How Austin Gentrification Operates in My Neighborhood,” written December 2017. In his post, McGhee claims that although Montopolis is becoming an increasingly desirable real estate area in Austin, many long-time homeowners in the neighborhood are not selling. McGhee claims that would-be flippers, developers, or new owners are responding by “submitting complaints to Austin’s Code Compliance department,” including complaints against community churches. McGhee considers a property, the former New Jerusalem Baptist Church, that was recently cited for “Unsafe Conditions,” noting that it “had not



been considered a safety hazard for decades,” and asking, “What changed?” His answers to the question: the church now sits on “very desirable real estate.”

Neither the 2014 KUT article nor the McGhee blog post point to aggregate evidence that this sort of additional pressure is being placed *systematically* on low-income homeowners in Austin through increased or targeted code enforcement. Nevertheless, both pieces make it clear that there is a belief among at least some in affected communities that this is a real phenomenon.

Austin Code received a reset of sorts in 2016, with the arrival of the department’s new director, Cora Wright. According to many accounts, Wright has prioritized community and equity within the department (Susan interview, 2019; Richard interview, 2019). Under Wright’s reset of the department’s guiding vision, their new mission now includes language about “fair and equitable” enforcement in support of a “safe and livable” Austin (Wright, 2018, slide 30).

According to an Austin Code interviewee, the department continues to take criticisms and suggestions very seriously, and has made program improvement efforts in response to the 2015 UT Law report and 2016 City audit (Matthew interview, 2019). They state that they continue to work with groups currently – for example, the Austin Women in Housing Code Working Group – to improve the ROP program and the department in general (Matthew interview, 2019; Lacey interview, 2019). The Austin Women in Housing Code Working Group, a coalition of “individuals and area organizations that collaborate and volunteer their time toward advocating for safe, quality, well-maintained and affordable rental properties for the Austin residential tenant

community” has enjoyed a seemingly productive collaboration with Austin Code since 2017, and continues to produce requests and suggestions for program improvements, especially concerning the ROP program (Austin Code Department, 2019). However, local advocate interviewees continue to hear concerns about the lack of comprehensive inspection in the city, and suggestions that code is still not doing enough to intervene appropriately and early in substandard multi-family properties (Jennifer interview, 2019).

Cora Wright’s leadership has led to more equity- and community-focused language in Code’s mission and among its officers, but traces of troubling language remain. A December 2018 KVUE spot provided a platform for Austin Code to promote its 3-1-1 app, designed to reduce 3-1-1 phone traffic and to provide another avenue for residents to report code complaints (Adami, 2018). The TV spot even tips its hat to the new departmental mission under Wright: An officer explains that although “there are certain situations that warrant code inspectors needing to hand out a citation... their utmost priority is promoting awareness and how to help residents get the most out of their living situations and neighborhoods.” Nevertheless, the spot ends with more ominous language, instructing viewers to use the 3-1-1 app to “keep your neighbors in check.”

In a June 2018 Austin Chronicle article, now-District 1 Councilmember Natasha Harper-Madison suggests that “it is not a coincidence” that a historic house in a highly valued area of East Austin has received increased code complaints and inspection (Hernandez, 2018). She argues that if a violation were found on the property, it would set up the affected low-income residents for failure by forcing them into a confusing, obscure, time-consuming permitting process. She indicates that the system as-is incentivizes

developer abuse, and places barriers in the way of success for low-income residents. In terms of Code's effectiveness at prioritizing community members, the story closes ambiguously: The journalist informs the property owner that the case was closed with no violation found. The property owner had no idea. Nobody from Austin Code had contacted him.

### **RECENT STUDIES ON CORRELATIONS BETWEEN 3-1-1 COMPLAINT CALLS AND GENTRIFICATION**

A handful of recent studies attempt to measure conflict between new and old residents in gentrifying neighborhoods by measuring increases in 3-1-1 nuisance complaints in areas experiencing gentrification-related neighborhood change. The three studies discussed here all observe gentrifying neighborhoods in New York City. All three studies come to similar general conclusions: they find a higher frequency or notable increase in nuisance complaints in neighborhoods that are experiencing or have experienced demographic change or overlap. However, these studies find that the cause of these complaint increases is difficult to assess due to the complaint anonymity. In other words, though researchers and their audiences might assume that the rise in complaints is due to newer, wealthier, whiter residents calling in complaints on lower-income community members of color, they cannot prove this, as 3-1-1 records do not record or imply demographic information about the complainer nor the person being complained about. Though these studies observe a variety of general *nuisance* complaints rather than specifically *code* complaints, their methodologies are similar and useful to consider. Their findings are informative and relevant, both for what they reveal and what

they cannot. Two of the three studies are not peer reviewed, but they nevertheless all provide important methodological precedent for this report.

In “Contested Boundaries: Explaining Where Ethnoracial Diversity Provokes Neighborhood Conflict,” a benchmark peer-reviewed study in the use of 3-1-1 data, Joscha Legewie and Merlin Schaeffer compare 4.7 million 3-1-1 complaint calls in New York City against an algorithm that detects “edge” neighborhoods, areas where two homogenous communities overlap with a fuzzy, contested social boundary. They find that complaint calls in the “fuzzy edges between ethnically homogeneous areas” are 26% higher than in the homogeneous neighborhoods that they divide (Legewie & Schaeffer, 2016, p. 149-150). Though Legewie and Schaeffer are enthusiastic about the analysis opportunities that geo-coded 3-1-1 data suggest, they also note the limitations caused by call anonymity: “We have no information about callers’ underlying motives and we are unable to distinguish between intergroup and intragroup conflict” (p. 151).

In late 2018, the podcast Science Vs. conducted their own study comparing volume and change over time of 3-1-1 noise complaints in gentrifying, non-gentrifying low-income, and non-gentrifying high-income neighborhoods for the episode “Gentrification: What’s Really Happening?” Although the study is not peer reviewed, it follows sound methodology that is applicable for this report, even though the study’s charts presenting their findings are rough and imprecise (Horn, 2018). The study, conducted by Meryl Horn, pulls over 600,000 noise complaint over six years from New York City’s Open Data Portal. The author uses gentrification categorizations of New York City neighborhoods developed by the NYU Furman Center in its “Focus on

Gentrification” report. Complaints are normalized to neighborhood population. Horn finds that noise complaint calls in gentrifying neighborhoods are higher than both non-gentrifying low- and high-income neighborhoods, about 700 per 10,000 residents, compared to under 600 for low-income non-gentrifying and under 500 for high-income non-gentrifying. Furthermore, though noise complaints have increased in all neighborhood types from 2011 to 2016, they have increased at a 50% faster rate in gentrifying neighborhoods.

Another non-peer reviewed study, by BuzzFeed, comes to similar conclusions. In the article, “They Played Dominoes Outside Their Apartment For Decades. Then The White People Moved In And Police Started Showing Up,” BuzzFeed reporter Lam Thuy Vo analyzed complaints about noise, blocked driveways, and illegal conversions of apartments. She used a gentrification typology developed by Governing magazine, and normalized to census tract population (Vo, 2018). The results of this test find that there are 550 complaints per 10,000 people in tracts that have gentrified, compared to 460 per 10,000 in tracts that have not gentrified and 380 per 10,000 in tracts that are too wealthy to gentrify.<sup>4</sup> Vo’s study does not indicate the year of analysis, nor does she provide any complete or useful change over time analysis. However, her study does helpfully augment the data findings with interviews in gentrifying census tracts with both long-time and new residents. Crucially, Vo anonymously interviews newer white residents who admit to using 3-1-1 to complain to avoid confrontation with their new neighbors.

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<sup>4</sup> Vo’s findings in Buzzfeed were originally reported “per 1,000 people,” but have been proportionally shifted to “per 10,000 people” in this paragraph for easier comparison with the Science Vs. study.

One of these interviewees reports that “he didn’t feel safe approaching his neighbor to ask for the music to be turned down.” Another says that he uses 3-1-1 as “a way of avoiding conflict.” Though both the Science Vs. and BuzzFeed studies contain unfortunate gaps in their data reporting, they both serve as useful precedent and methodological road maps for the analysis in this report.

All three studies identify lack of information about who calls and who they are calling on as the primary limitation of analysis using 3-1-1 complaint data. Legewie and Schaeffer suggest using on-the-ground interviews in study areas to supplement data findings. Vo’s BuzzFeed article does just that, and finds anecdotal evidence that newer, whiter, wealthier residents are indeed calling in nuisance complaints on demographically dissimilar residents. This report does not assess whether any similar correlation in code complaints and gentrification is the result of the same phenomenon or a related phenomenon. However, the 3-1-1 studies do provide useful methodological precedent for this report’s analysis.

## **NEIGHBORHOOD DIVERSITY AND SOCIAL CONFLICT**

The research on the relationship between anonymous 3-1-1 nuisance complaints and gentrification in New York City described above might suggest a relationship between increasing neighborhood social diversity and social tension. It is helpful, then, to briefly consider research on the relationship between neighborhood diversity and sociological concepts like trust, social capital, and social cohesion. Sociologists such as Robert Putnam, Robert Sampson, and Mark Granovetter have researched the effects of

homogeneous and heterogeneous ties on the development of social capital for decades. In “E Pluribus Unum,” Putnam argues that “there is a tradeoff between community and diversity” (Putnam, 2007, p. 164). His research shows that in the US, members of different ethnic groups living in ethnically and racially diverse neighborhoods tend to “hunker down,” leading to lower levels of social capital and social solidarity (p. 137). He argues, however, that neighborhood diversity will continue to be a trend in the US, and suggests that policy interventions can actually push for cohesion and enhanced social capital in these communities (p. 164).

In “When Does Diversity Erode Trust? Neighborhood Diversity, Interpersonal Trust and the Mediating Effect of Social Interactions,” Stolle, Soroka, and Johnston find that in the US and Canada, neighborhood diversity correlates with decreased trust and social cohesion (Stolle, Soroka, & Johnston, 2008, p. 57). However, they also find that “individuals who regularly talk with their neighbors” in diverse neighborhoods exhibit more trust and cohesion with their neighbors compared to those who don’t. For the purposes of this study, this might suggest that the ability for residents in gentrifying neighborhoods to mediate interactions with neighborhoods through anonymous 3-1-1 complaints (as we saw in Vo’s BuzzFeed study interviews) could be linked to lower levels of trust, social capital, and social cohesion. In other words, this might support the “social tension” theory of why there are more nuisance and/or code complaints in neighborhoods experiencing gentrification.

The research described above does not focus specifically on how housing plays into the development or hindrance of trust and social ties. In “Constructing Community Class,

Privatization and Social Life in a Boston Mixed Income Housing Development,” Erin Michelle Graves studies social life at Maverick Landing, a HOPE VI-funded mixed income development in Boston, MA (Graves, 2008, p. 9). Putnam and Stolle, Soroka, and Johnston might argue that social relationships and trust at Maverick Landing would be fundamentally hindered due to community diversity. Graves argues, however, that “formal institutional processes,” such as the prohibition of social activities that would increase interaction between dissimilar residents, act as an inhibitor to the development of social ties that would otherwise bind diverse groups living in the same building or area (p. 10-11). The context of a HOPE VI mixed income development is somewhat removed from the question of this report – that is, whether higher code complaints indicates social tension in gentrifying neighborhoods. However, Graves’ argument that institutional activity, structure, and strategy can influence interpersonal behavior in diverse communities helps us understand that an institutional platform such as anonymous complaints may be tied up in, amplifying, or even generating interpersonal social conflict in diverse neighborhoods, such as the gentrifying neighborhoods in this report.

#### **HIGH-LEVEL CODE ENFORCEMENT HISTORY AND CONCEPTUALIZATION**

Although this study is an assessment of Austin Code specifically, it is still important to situate this report in the context of general code enforcement research by academics, law experts, and other researchers. This section briefly outlines key concepts in research and thinking about code enforcement. This is not a comprehensive literature review of code enforcement research. Although such a review would be useful for researchers and



practitioners interested in code enforcement, it is outside the scope of this report. As Jake Wegmann and Jonathan Pacheco Bell note, code enforcement is an under-researched aspect of the planning discipline, if practitioners and researchers even consider it a part of the discipline at all (Wegmann & Bell, 2016, p. 23). The impact of code enforcement on a wide range of planning topics, including health and safety, gentrification and displacement, equity, quality of life, neighborhood character, and neighborhood conflict, is a fertile area for planning research.

Several key concepts and takeaways that are helpful for framing this report are highlighted in the literature discussed in this section. These concepts are important to highlight clearly, up front:

- Code enforcement often involves not just enforcing health and safety violations, but also zoning and quality of life violations. Navigating and prioritizing between these services proves difficult in theory and practice.
- Where code enforcement is situated within municipal structure varies from municipality to municipality. Code enforcement departments exist in or adjacent to planning, police, health services, and housing.
- Two broad categorical models for code enforcement are *reactive enforcement*, where inspection is driven by citizen complaints or some other “passive” mechanism, and *proactive enforcement*, where all structures that meet certain criteria receive regular, periodic inspection.

- A tension exists in code enforcement between *over-enforcement* and *under-enforcement*. Both carry the potential for negative impacts on low-income renters and/or homeowners.
- There is also a tension between enforcing minimum health and safety standards on one hand, and contributing to unaffordability and displacement pressure for low-income residents on the other.
- The potential to abuse code enforcement to the detriment of vulnerable residents, both from within code departments and from developers, has been present in conversation around the practice for its entire existence.

In “The Invisibility of Code Enforcement in Planning Praxis,” Jake Wegmann and Jonathan Pacheco Bell provide a helpful wide-scope summary of the history of code enforcement. English common law dealing with “nuisance properties” are the earliest antecedents of modern code enforcement (Wegmann & Bell, 2016, p. 21-23). Early 20<sup>th</sup> century restructuring of certain uses in certain districts in some cities in the US is an antecedent of both code enforcement and zoning practice (p. 23).

In “Baltimore does not condone profiteering in squalor,” Emily Lieb outlines the 1941 Baltimore Plan, the first centralized, codified building code enforcement campaign in the US (Lieb, 2017, p. 75). According to Lieb, the Baltimore building code enforcement Plan was conceived as a response to poor health and safety conditions in much of Baltimore’s low-income housing stock (p. 75-77). The plan’s architects sought to eliminate the worst blight in the city, while allowing the city to stop short of more radical solutions to providing quality housing for low-income tenants of color, such as

ramping up public housing and other policies that would operate outside the market. She describes the Baltimore Plan as having had the effect of keeping “bad housing in place, with the promise that code enforcement would eventually improve it – a promise that turned out to be an empty one” (p. 77). Instead, Baltimore Plan code enforcement was used as a mechanism of urban renewal in the 1960s, leading to the widespread condemnation of low-income urban residencies and the displacement on residents of color.

The Baltimore Plan was an early example of a post-war midcentury boom in code enforcement practice in cities around the country (Wegmann & Bell, 2016, p. 23). In the 1960s, code enforcement was deployed as a major tool for slum clearance as part of urban renewal projects not just in Baltimore but around the country (Wegmann & Bell, 2016, p. 23). The volume of code enforcement agencies around the country continues to grow to this day, as does their purview (Wegmann & Bell, 2016, p. 23).

In Wegmann and Bell’s description, code enforcement officers are “street level bureaucrats” who must implement and enforce contradictory imperatives to uphold the letter of the law, but to also be responsive to the needs and character of the communities they operate in (2016, p. 21). They describe a challenging dynamic for code inspectors, who must balance between over-enforcement and running the risk of being “accused of being overly punitive and out of step with community norms,” and under-enforcement and possibly being “accused of being insufficiently diligent and of allowing poor neighborhood conditions to fester” (p. 26). Wegmann and Bell note that code enforcement’s primary charge is ill-defined, as their duties potentially include

enforcement for health and safety, zoning, and quality of life, all of which may require different levels of discretion or strategy (p. 26-27). Not surprisingly, then, the departmental location of code enforcement from city to city varies greatly (p. 26). Code could be situated within or adjacent to planning, police enforcement, health services, or housing.

Wegmann and Bell indicate that most current code enforcement is performed reactively rather than proactively (2016, p. 25). *Reactive* code enforcement is non-comprehensive, passive enforcement that relies on some mechanism to decide when and where to enforce, for instance complaint driven enforcement, like 3-1-1 calls. In contrast, *proactive* enforcement is comprehensive, regularly scheduled, periodic enforcement of all structures, or all structures that meet a set of requirements. Wegmann and Bell suggest that the tendency toward reactive enforcement stems from need, as many departments face high caseloads and low staffing that make proactive enforcement difficult. They point to research by Wilson (1978) that suggests that as with law enforcement, proactive enforcement focuses on assertively enforcing the “laws on the books” whereas reactive enforcement tends more toward dispute resolution, where the needs of the community are considered “even at the cost of overlooking a multitude of infractions” (Wegmann & Bell, 2016, p. 26). Certainly, there is potential for code to act more like conflict resolution than enforcement, yet I find that the notion that reactive enforcement allows officers to use a more “community-focused” lens through “overlooking a multitude of infractions” in pursuit of dispute resolution is not supported by how reactive enforcement is performed in practice, at least at Austin Code. This topic will be discussed in greater

detail in Chapter 5, and the implications of reactive and proactive enforcement will be considered in depth throughout this report.

Another strategic debate, between over-enforcement and under-enforcement, is even more difficult to untangle. PolicyLink’s “Equitable Development Toolkit report on Code Enforcement” lays out this tension plainly as “a tale of two code enforcements” (PolicyLink, 2002, p. 8). In one scenario, vulnerable residents suffer from poor health and safety conditions due to under-enforcement, which leads to landlords “maximizing profits by maintaining the minimal habitability that tenants will bear.” In the other scenario, the city or another bad actor triggers strategic over-enforcement of code to put extra pressure on landowners to sell in hot areas for development, effectively “clearing” neighborhoods of substandard development and displacing residents. The PolicyLink brief unfortunately does not make any distinction between the impacts on renters and homeowners. The first scenario would seem to likely affect renters primarily, whereas the second scenario could impact homeowners and renters. But the paper makes clear the potential ill-effects of both under-enforcement and over-enforcement. The PolicyLink paper also suggests a difficult balance between prioritizing minimum health and safety standards for vulnerable residents on the one hand, and taking enforcement actions that lead to affordability and displacement pressure on the other.

In Scott Cummings and Edmond Snider’s 1984 article “Municipal Code Enforcement and Urban Redevelopment,” the authors argue that code enforcement has directly benefited developers to the detriment of low-income vulnerable communities in Dallas, TX. Through its mid-1970s Area Redevelopment Plan (ARP), the City of Dallas sought

to reverse middle- and upper-class migration to the suburbs through subsidizing higher end development in an area of central Dallas (Cummings & Snider, 1984, p. 135-136). The authors produce research that suggests that the redevelopment effort was helped along by a measurable increase in code enforcement in the area *during* redevelopment compared to before and after, and compared to other areas of Dallas with similar demographics and housing stock (p. 142-144). They describe how this general strategy might work, arguing that “when landlords are forced by municipal authorities to make investments which will bring their properties into conformity with existing housing codes, they typically pass along the cost of improvements in the form of rent increases” (p. 130). “Physical clearance and demolition” may be another outcome which would displace low-income tenants (p. 131). The authors primarily observe code complaint frequency over time, and in comparison to non-ARP neighborhoods (p. 135, 139-140). They supplement this with city council minutes, newspaper accounts, and interviews with public officials, city administrators, and code enforcement personnel (p. 135). They argue that “inspector initiated” strategic over-enforcement created a “buyers market” for substandard housing in the ARP area (p. 142). In interviews, code enforcement personnel indicate that they believe that there was an increase in enforcement in the ARP area, and even “admit privately that they were instructed ‘from above’ to increase code enforcement activities in the ARP area...” (p. 144). The authors also find that “citizen complaints” went up significantly during period just prior to major buyouts and redevelopment, then subsided after (p. 143). However, due to complainant anonymity, they cannot tell who lodged the complaints.

Though the authors cannot go so far as to suggest that the increased complaints and enforcement is a “smoking gun” indicating that the city deployed code over-enforcement to pressure property owners to sell to the new developer, or that the developer abused the anonymous complaint system to pressure landowners, they indicate that that was exactly the impact that occurred in the ARP:

While we do not have data which more clearly illuminate the link between anonymous code enforcement and property acquisition, it is clear that as the total number of properties acquired by the developer grew rapidly in 1975 and 1976, so did citizen complaints. As purchases declined, due to whatever reasons, so too did the volume of citizen complaints regarding housing conditions” (p. 143).

Equally damning, they find that “most of the units subject to code enforcement were eventually bought by the developer” (p. 144).

## **Chapter 3: Methodology**

The hypothesis of this study's primary quantitative and spatial examination is as follows:

There is categorical variation in the number of residential code complaints per occupied household between census tracts that are vulnerable, susceptible, gentrifying, gentrified, and not gentrifying in the City of Austin, with lower code complaints in not gentrifying tracts and higher complaints in tracts that are vulnerable or in some stage of gentrification.

In plain language, I am asking: Are there more code complaints in gentrifying areas than there are in non-gentrifying neighborhoods? If this discrepancy is established, we can then explore the array of possible reasons and rationales for the difference.

### **PRIMARY TEST**

As described in this chapter, the primary test for this report is an analysis of variance (ANOVA) assessing correlation between types of census tracts defined by vulnerability to or stage of displacement, and the number of code complaints per occupied household for each census tract. The comparison includes every census tract in Austin, except for a small number of excluded tracts which will be discussed below. I also conducted a series of interviews with Austin Code supervisors and local experts and advocates in order to help interpret the results of the test, receive suggestions for refinements and additional tests that would be helpful for interpreting results, and to



reveal general ramifications and impacts of the relationship between residential displacement and code enforcement in Austin. Finally, I used the suggestions from interviewees for refinements and additional clarifying tests to complete additional tests with alternative parameters.

The primary data source for this analysis is the “Austin Code Complaint Cases” dataset, downloaded from the City of Austin open data portal on January 19<sup>th</sup>, 2019. This dataset contains individual code complaint items dating back to 2004. However, the dataset only contains complete code complaint listings for the years 2016, 2017, and 2018, and is accurate in 2019 up to the date of download. For this study, I extracted the 2018 entries only<sup>5</sup>, and observe code complaints for the single year 2018. The dataset lists 34,775 total complaint entries for that year. Each complaint listing includes the address of the complaint, latitude and longitude coordinates, complaint description, case ID, and complaint C-TERM priority number – that is, the priority number between one (highest priority) and five (lowest priority) that Austin Code assigns the complaint in terms of severity and need to immediately address.

With the 2018 code complaint data isolated and ready to be mapped and compared, I then turn to the question of how to identify, categorize, and quantify gentrifying neighborhoods in Austin, and contrast them with neighborhoods that are not gentrifying. For this input factor, I adapted the typology used in the 2018 UT report, “Uprooted: Residential Displacement in Austin’s Gentrifying Neighborhoods and What

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<sup>5</sup> For comparison and confirmation, I also performed the central analysis for the code complaint year 2016. Those results are included in Appendix A. They align generally with the 2018 findings. This supports the overall claim of this report, but is not essential to include in the main body.

Can Be Done About It.” In “Uprooted,” gentrification is assessed through a formula that weighs five factors: decrease over time in percent of people of color, decrease of people making at or below 80% Median Family Income, increase in residents 25 and older with a Bachelor’s Degree or higher, decrease in percentage of renters, and decrease in households with children in poverty (Way, Mueller, & Wegmann, 2018, p. 3). The “Uprooted” report applies this analysis, which breaks down tracts into different stages of gentrification or vulnerability to gentrification, to all census tracts in the City of Austin. These gentrification and vulnerability stages from “Uprooted” are adapted for this report. I detail specific categories and how they have been adapted below.

In Appendix B, I describe in detail the step-by-step process of how I merged these data layers for analysis. In summary, I spatially layered code complaint cases on top of the “Uprooted” gentrification stage-coded Austin census tracts. Odd tracts, such as the Austin-Bergstrom International Airport, were excluded. Then, I overlaid a zoning map of Austin to isolate residential code complaints only.

Next, I adapted and consolidated the tract categories expressing vulnerability to gentrification or stage of gentrification. The “Uprooted” report contains nine tract categories:

n/a (i.e. not gentrifying)

Missing Home Value Data

Susceptible

Susceptible (Rent Data)

Dynamic

Dynamic (Rent Data)

Early: Type 1

Late

Continued Loss

These categories generally represent a spectrum from not gentrifying at all (n/a) to susceptible to gentrification (susceptible) to dynamic (early stage gentrification) to late (late stage gentrification) (Way, Mueller, & Wegmann, 2018, p. 22-24).

With nine categories, a concern arose that some of the categories might feature such a small number of tracts that any variance between code complaints per occupied household in that category could be a coincidence. I therefore collapsed the original categories into simplified categories as indicated in Table 2.<sup>6</sup>

The dataset was reordered by census tract. A summary row was created containing all of the tract level information as well as a sum of the number of code complaints per census tract.

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<sup>6</sup> A vulnerability tract type, while not appearing in the gentrification typology was included here to indicate tracts that are demographically vulnerable to gentrification but not yet gentrifying. The rationale behind this decision is described in Appendix C.

<b>Tract Type Category Simplification Key</b>	
<b>Original Category Name</b>	<b>Condensed Category Name</b>
n/a	Not Gentrifying
Missing Home Value Data	
Vulnerable (but not gentrifying)	Vulnerable
More Vulnerable (but not gentrifying)	
Most Vulnerable (but not gentrifying)	
Susceptible	Susceptible
Susceptible (Rent Data)	
Dynamic	Gentrifying
Dynamic (Rent Data)	
Early: Type 1	
Late	
Continued Loss	Gentrified

Table 2: Tract Type Category Simplification Key

From these summary rows, the number of code complaints per occupied household was generated for each census tract, generating a new column: “code complaints per occupied household.” I used “occupied households” as the constant in all ANOVA tests. My rationale is that since these tests consider code complaints on dwellings, “occupied households” is a more appropriate standard for normalization than “residents.”

Finally, I ran the analysis of variance (ANOVA) using “code complaints per occupied household” as my numeric dependent variable and tract “Typology” as my group variable. I discuss the results of this test in the next chapter.

## ADDITIONAL TESTS

In the supplementary interviews discussed below, interviewees discussed additional tests that would be useful for gaining a better understanding of the relationship between code complaint frequency and gentrification. Interviewees requested additional tests that analyzed the relationship of frequency of *specific* complaint types and gentrification stage. There are 5 main violation categories used by Austin Code:

Land Use Violation(s)

Property Abatement

Structure Condition Violation(s)

Work Without Permit

SWS Chp 15 Violation(s)

Land use violations refer to violations of Austin’s land development (i.e. zoning) code. “Property abatement” refers generally to violations having to do with the upkeep of properties, such as pulling in trash cans in a reasonable amount of time (“carts at curb”) and “tall grass and weeds.” Structural violations refer to violations involving the quality of structures themselves, and could range from cracks or holes in roofs to broken windows to water leaks that cause mold. “Work without permit” refers to improvements made to a property that are not property permitted with the City’s Development Services department. “SWS Chp 15” violations are violations of city requirements for recycling and composting to be available at premises of a certain size or type (An Ordinance

Amending City Code Chapter 15-6 Relating to Solid Waste, Recycling, and Composting Regulations, 2014).<sup>7</sup>

I conducted an additional ANOVA for each of the first four categories in isolation. The last category, “SWS Chp 15 Violation(s),” make up only 23 out of 16,846 complaints under consideration, so I did not conduct an additional test for this category.

Interviewees also requested an additional test for single-family dwellings and multi-family dwellings in isolation. Some interviewees suggested that displacement pressure and risk might impact those in multi-family buildings differently than single-family. In order to produce this, I returned to the individual ArcGIS “SF” and “MF” zoned layers, and exported a dataset for each individually rather than merged. I then proceeded through data processing and testing identically as described above.

Interviewees also suggested that it would be useful to see if certain C-TERM priority numbers were occurring more in tracts at certain gentrification stages. C-TERM uses a priority rating of “1” to “5,” with “1” being the highest priority and “5” being the lowest priority. Just as I conducted an ANOVA for complaint type categories in isolation, I conducted ANOVAs for each C-TERM priority number in relation to gentrification stage in isolation.

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<sup>7</sup> Aside from the SWS Chpt 15 definition, I wrote all definitions in this paragraph using contextual information from interviews and other support documents. Notably, these five categories are not used or defined anywhere on Austin Code’s website, Github page, or any other public-facing documentation that I could locate.

## **INTERVIEWS**

I conducted a series of semi-structured interviews to augment the results of these tests. Seven interviews were conducted in total: four were Austin Code officer supervisors, and three were local experts and advocates with specific knowledge about and experience with Austin Code. Each participant's name has been replaced by a pseudonym. To find interviewees at Austin Code, I emailed a general Austin Code contact address, and was connected with one supervisor. That supervisor then helped me identify other supervisors in the department who would be able to provide insight, in a snowballing process. Local expert-advocate interviewees were identified through review of relevant reports and news coverage. All interviewees, both Austin Code and expert-advocate, have been given pseudonyms.

The results of these interviews are described in detail in Chapter 7. Their purpose was to help clarify and interpret the results of the quantitative and spatial analysis, and to provide additional insight both from within the department and outside it on the potential and real impact of code enforcement on residential vulnerability and neighborhood change in Austin. As part of the conversations, interviewees identified several useful test refinements and additional test suggestions, which I completed and which are included in the results in the next chapter. Because new test revisions and clarifications were being conducted intermittently based on feedback from the interviews themselves, not all interviewees saw the complete results that are included in this report.

All interviews except one were semi-structured, conducted in person, and lasted between 45 minutes and an hour and a half. The exception was an interview with an

Austin Code supervisor that occurred spontaneously over the phone and lasted around 20 minutes. All interviews were conducted in February and March 2019. The interviews were all structured around the same basic protocol, which explored common themes and lines of questioning. Because the interviews were semi-structured, each interview tended to focus on different themes and lines of questioning. Some interviews did not complete the entire protocol, or focused on certain aspects but not others, or deviated into relevant lines of questioning that were not included in the protocol. I considered the basic protocol – which is included as Appendix D – a starting point for framing conversation, but the interviews themselves were allowed to flow organically.



## Chapter 4: Findings

The ANOVA test results show a stark difference between the percentage of code complaints in “not gentrifying, not vulnerable” tracts (3.9% per occupied household in 2018) and in all of the other tract types, representing tracts that are vulnerable but not gentrifying (8.0%), susceptible to gentrification (7.4%), gentrifying (8.9%), and gentrified (8.5%) ( $p < 10^{-5}$ ) [Figure 2]. In other words, tracts that are vulnerable to gentrification or at any stage of gentrification receive see considerably higher levels of code complaints, with some tract types receiving over two times as many code complaints as tracts that are not gentrifying.<sup>8</sup>

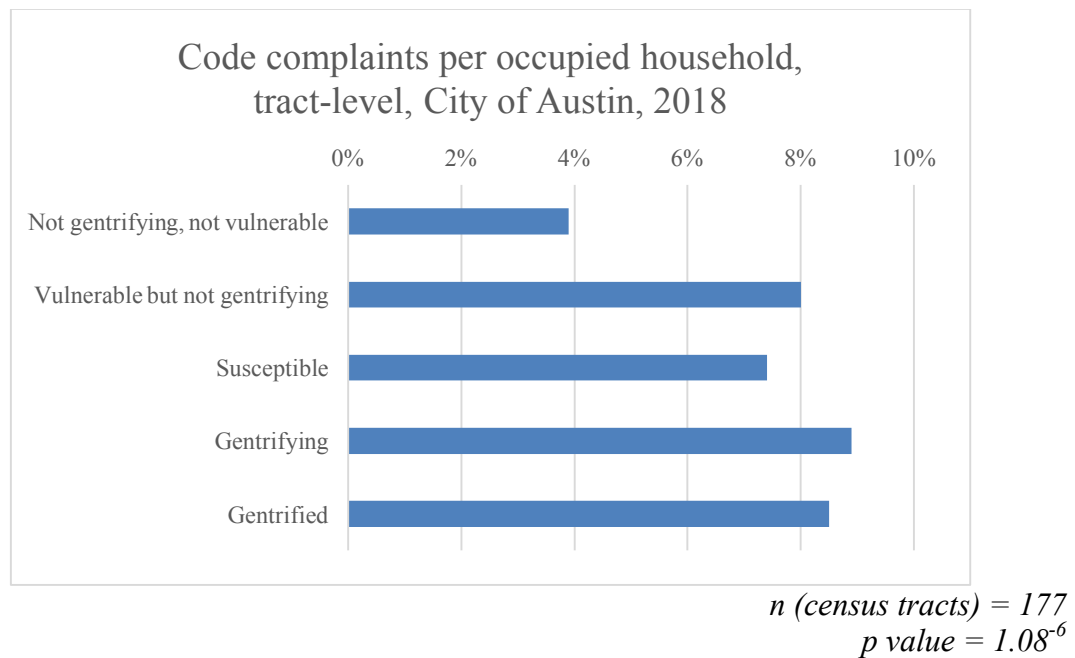


Figure 2: Code complaints per occupied household, tract-level, City of Austin, 2018

<sup>8</sup> Test results in this chapter are presented as bar charts for visual clarity. I have included tables containing precise values for all test in Appendix E.

It is important to note that vulnerable but not gentrifying tracts also experience roughly about as a high a code complaint frequency as the other gentrification stage tracts. If we accept the premise that vulnerable but not gentrifying tracts should exhibit code enforcement rates approximately similar to those in tracts in stages of gentrification and displacement formerly exhibited prior to experiencing gentrification (a rationale outlined in the previous chapter), we would expect that the gentrifying tracts experience relatively high rates of code complaints *but also* experienced high rates before they started gentrifying.

#### **TESTS BY COMPLAINT TYPE**

Several interviewees suggested that it would be important to identify the frequency of certain specific complaint types. Some interviewees wished to see frequency of very specific complaint categories (e.g. mold, pests, siding, etc.), however those data are not available in the current Austin Code open dataset, as will be discussed in Chapters 5 and 6. The finest grain categorical detail available in the Austin Code open dataset are five high level violation type categories: land use violation, property abatement, structural violation, work without permit, and SWS Chp 15 violation.<sup>9</sup> Table 3 shows the overall frequency of each complaint type in 2018. The vast majority of residential complaints are in three categories: land use violation (26.4%), property abatement (45.7%), and structural violation (24.5%). Work without permit (3.2%) is the only other

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<sup>9</sup> I define these categories on page 43.

category with greater than 1% of total complaints. SWS Chpt 15 violations and violations with no listed category make up about 0.2% of total complaints, fewer than 40 total complaints in the entire year, and were not tested. All test results are  $p < 0.05$ . Most have considerably lower p-values.

<b>City of Austin 2018 Complaint Type Count</b>		
<b>Complaint type</b>	<b>Count</b>	<b>% of Total</b>
Land Use Violation	4,448	26.4%
Property Abatement	7,696	45.7%
Structural Violation	4,127	24.5%
Work Without Permit	536	3.2%
SWS Chp 15 Violation*	23	0.1%
Blank (no description)*	16	0.1%
<b>Total</b>	<b>16,846</b>	<b>100%</b>

*\*Too small for meaningful analysis*

Table 3: City of Austin 2018 Complaint Type Count

### **Land Use Violations**

Land use violation complaints, which make up 26.4% of total residential violations for the year 2018, occur over twice as often in gentrifying tracts (2.5%) as not gentrifying and early stage categories (1.1 to 1.3%). This frequency increases dramatically again in already gentrified tracts (3.4%).

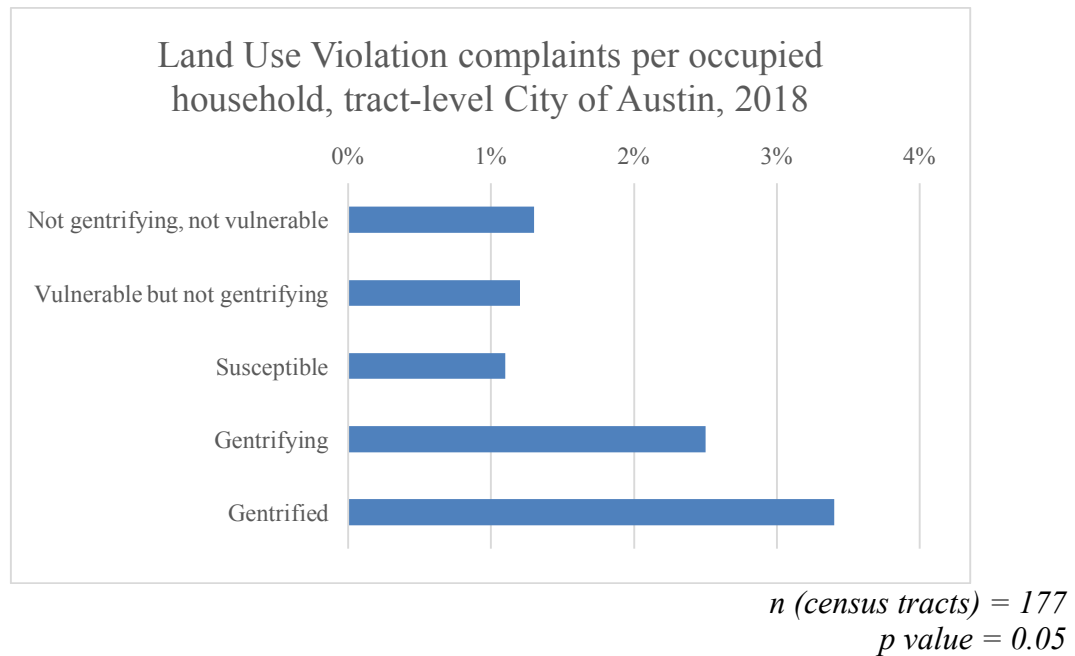


Figure 3: Land Use Violation complaints per occupied household, tract-level City of Austin, 2018

### Property Abatement

Property abatement complaints follow the main trend of this study: They occur far less in not gentrifying neighborhoods (1.8%) than in any other category (3.4-4.3%). However, among the vulnerable and gentrification stage tracts, property abatement complaints occur more often in vulnerable but not gentrifying tracts (4.3%) than in tracts that are actually experiencing gentrification (3.4 to 3.8%).

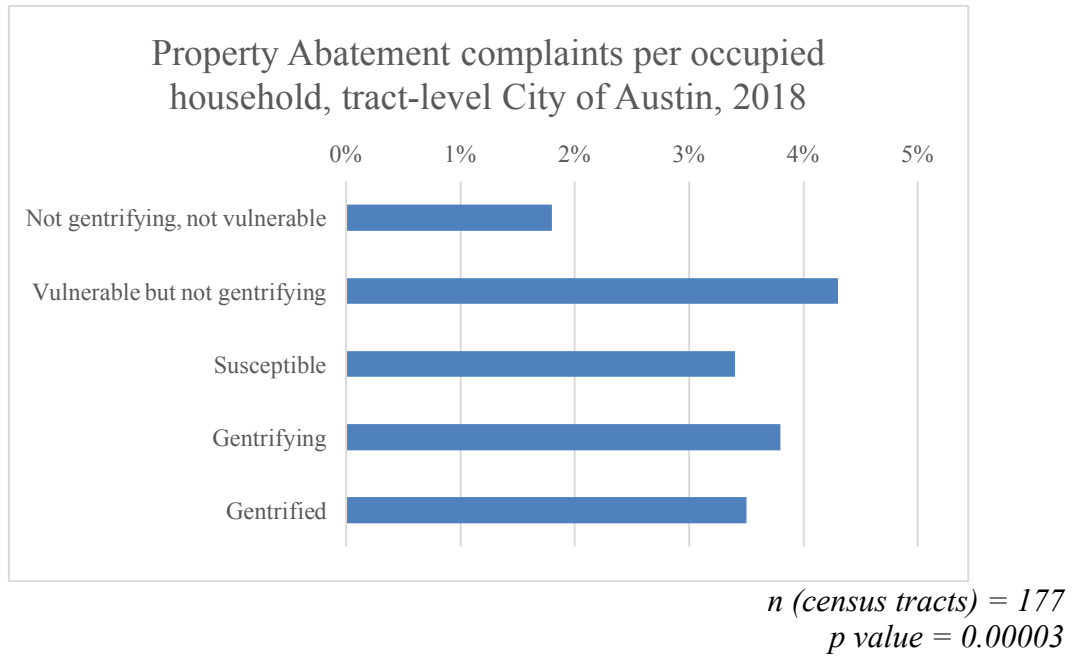


Figure 4: Property Abatement complaints per occupied household, tract-level City of Austin, 2018

### Structural Violation

Structural Violation complaints form a sort of bell curve, occurring at a low frequency in not gentrifying neighborhoods (0.6%), increasing in vulnerable neighborhoods (2.3%) to a peak in susceptible neighborhoods (2.8%) before decreasing again in gentrifying neighborhoods (2.2%), and dropping off sharply in gentrified neighborhoods (1.1%).

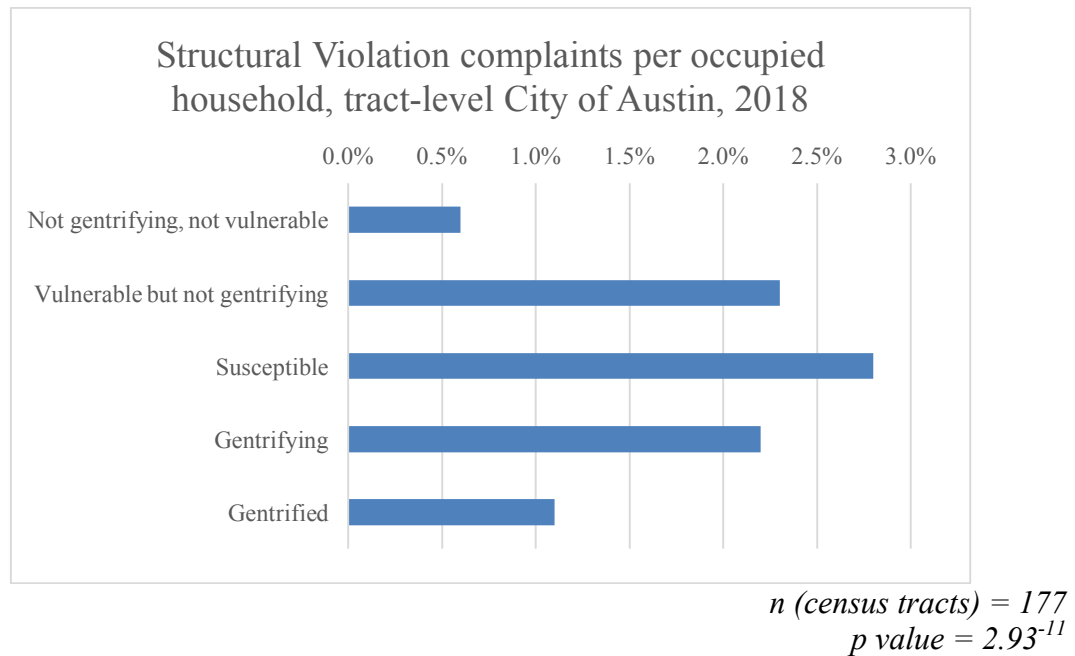


Figure 5: Structural Violation complaints per occupied household, tract-level City of Austin, 2018

### Work Without Permit

Work without permit complaints, which make up a smaller portion of total complaints (3.2%), follow a similar pattern to land use violation complaints. They occur at low levels in not gentrifying and early stage tracts (0.1 to 0.2%), before ramping up significantly in gentrifying tracts (0.3%) and even more in gentrified tracts (0.5%). The ramp up by gentrification stage is even steeper for work without permit complaints than it is for land use violation complaints.

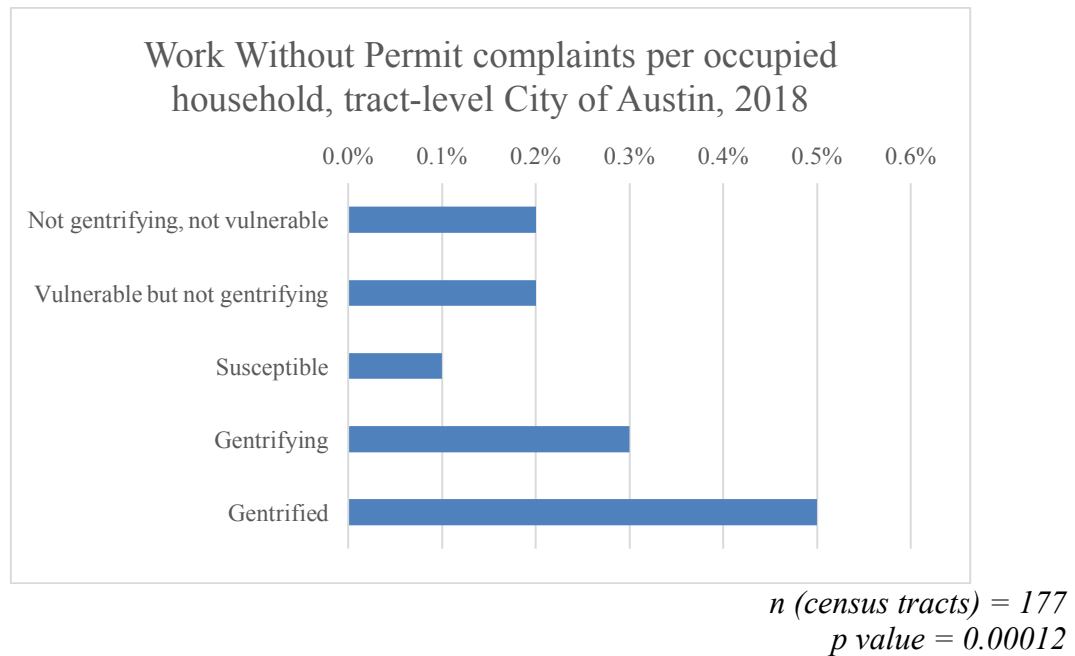


Figure 6: Work Without Permit complaints per occupied household, tract-level City of Austin, 2018

#### ISOLATED SINGLE- AND MULTI-FAMILY PROPERTY TESTS

Interviewees also suggested that it would be informative to separate out total code complaints that were occurring on single- and multi-family properties.

#### Single-Family

Like every other test, single-family code complaints are at their lowest level in not gentrifying tracts (3.4%). Vulnerable tracts experience a frequency of 5.5% before dipping to 4.7% in susceptible tracts. Complaints on single-family properties rise drastically in gentrifying tracts (7.1%) and again in gentrified tracts (7.7%).

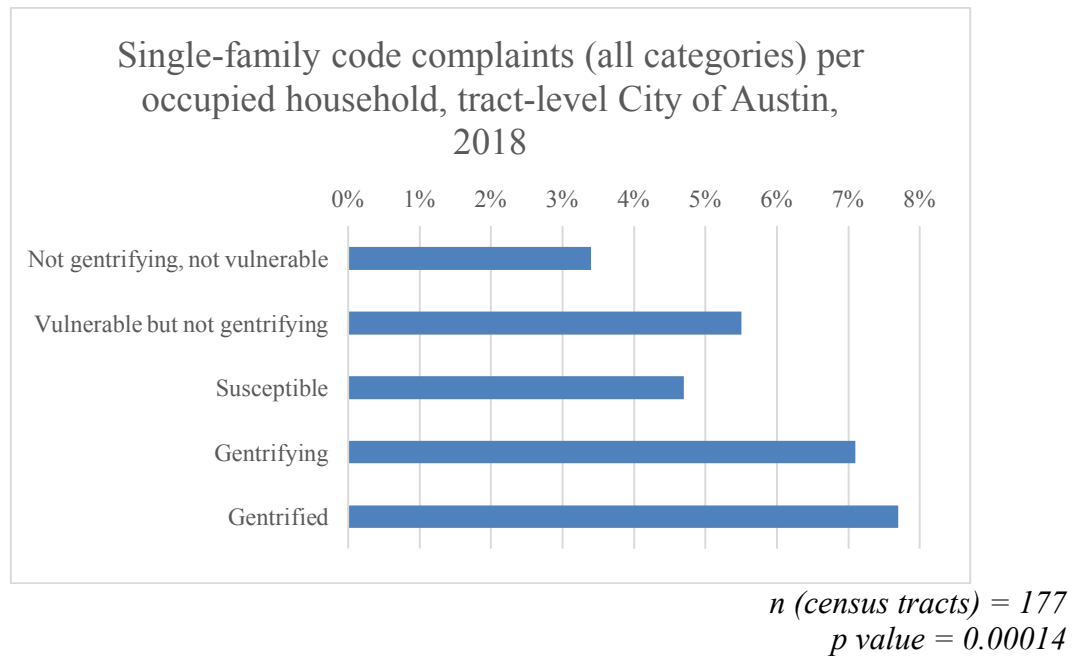


Figure 7: Single-family code complaints (all categories) per occupied household, tract-level City of Austin, 2018

### Multi-Family

In one of the most interesting and compelling results of this entire study, multi-family complaints are low in not gentrifying neighborhoods at 0.8%, rise to 2.7% in vulnerable neighborhoods and again to 3.7% in susceptible neighborhoods, before dropping to 2.3% in gentrifying neighborhoods and settling again at 0.8% in gentrified neighborhoods. This is notable for two reasons. First, not gentrifying and gentrified tracts look more similar in this test than in any other. Second, these results indicate that the average susceptible tracts (closer to gentrifying than vulnerable tracts) experience a considerably higher frequency of complaints than other vulnerable tracts that are not adjacent to gentrifying tracts. In the other tests, vulnerable tracts generally trend toward



similar frequencies as susceptible tracts. However, when I test multi-family complaints alone, susceptible tracts receive a notably higher complaint frequency.<sup>10</sup>

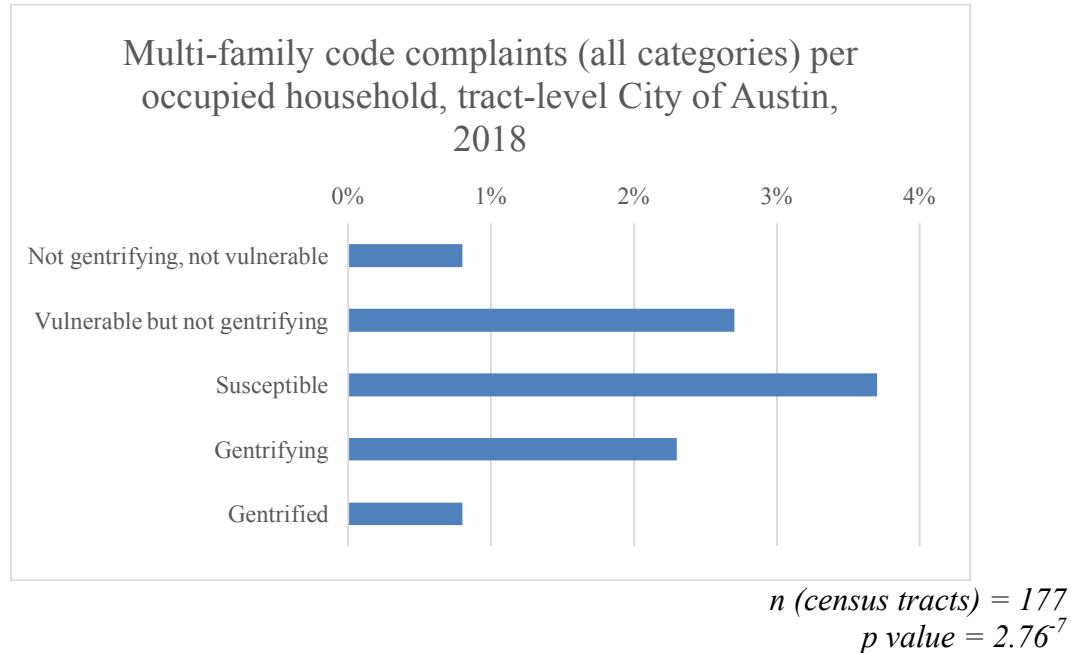


Figure 8: Multi-family code complaints (all categories) per occupied household, tract-level City of Austin, 2018

#### TEST BY C-TERM PRIORITY NUMBER

The ANOVA results for C-TERM priority numbers 1 through 5 did not result produce useful findings. The p-values for the C-TERM findings are as follows:

1 = [no “1s” in 2018]

2 = 5.16<sup>-9</sup>

<sup>10</sup> The multifamily code complaint frequencies observed in this test are normalized “per occupied household.” It is possible that there are simply more multi-family units in susceptible tracts than, for instance, vulnerable tracts. To attempt to account for this possibility, I tested multi-family zoned complaints per renter-occupancy household. This resulted in a nearly identical “bell curve” pattern peaking with vulnerable tracts: Not gentrifying: 1.6%. Vulnerable: 3.7%. Susceptible: 5.1%. Gentrifying: 3.5%. Gentrified: 1.4%. p-value = 0.00037.

$$3 = 0.2$$

$$4 = 0.14$$

$$5 = 0.01$$

Even for the C-TERM priority numbers with admissible p-values (which would not really be admissible because the C-TERM results don't produce valid p-values as a set), the categorical results fluctuate meaninglessly. As discussed in Chapter 2, some observers suggest that Code's C-TERM response prioritization system does not prioritize imminent health and safety concerns over other less immediately threatening scenarios, such as short-term rentals. If C-TERM prioritization does not correlate with severity and risk, inconclusive ANOVA test results are not surprising.

In the next chapter, interviewees from Austin Code and local expert-advocates help interpret these results. These interviewees provide useful context for the departmental functionality of Austin Code, on-the-ground information about how code enforcement operates in Austin, and frameworks for thinking about code enforcement best practice. I discuss the findings from this chapter in Chapter 6.

## **Chapter 5: Interviews**

Seven interviewees helped interpret the test findings described in the last chapter. Four Austin Code supervisors and three community advocates with topic area expertise were interviewed. Feedback from these interviewees was used to identify follow up tests and additional nuance that would help interpret the results. Since one of my interview goals was to identify further helpful tests and nuance, not all of the test results described in the last chapter were complete and available for all interviews.

Beyond helping to interpret test results, interviewees provided a wealth of information, insight, and interpretation about the potential relationship between code enforcement and residential displacement. The following chapter explores the responses that interviewees gave during approximately hour-long semi-structured interviews. The chapter begins with interpretations by interviewees of the analysis results from the previous chapter. Then the conversation expands as interviewees provide broader insight about potential relationships between code enforcement, displacement, and gentrification for at-risk low-income renters and homeowners. Next, interviewees discuss Austin Code data hygiene issues that make it difficult to assess Code's impact in gentrifying neighborhoods and for low-income residents in general, and possible strategies to remedy these issues. Then, Austin Code supervisors interpret the mission of the department, and all interviewees debate appropriate code enforcement mission, values, and priorities. Interviewees describe how the Code Department personnel internally understand their role, if any, in residential displacement and gentrification. Interviewees discuss potential

for and anecdotal evidence of abuses of the “reactive,” anonymous code complaint system in Austin. Finally, interviewees suggest a range of opportunities for reform and further research.

#### **WHAT TEST RESULTS SUGGEST, AND LIMITATIONS TO WHAT CONCLUSIONS WE CAN DRAW**

Most interviews were conducted immediately after initial tests comparing all code complaints in 2018 to the “Uprooted” gentrification stages. Interviewee suggestions were used to hone in on the additional tests and results that were presented in the previous two chapters. I discuss the interviewees’ additional insight and observations about the test results here.

Austin Code Supervisor Matthew feels that it is important to clarify that the input variable for these results is unverified code *complaints* rather than verified code *violations*. Matthew confirms the clear distinction between not gentrifying not vulnerable tracts (3.9% per occupied household) and tracts that are vulnerable or in a stage of gentrification (between 7.4% and 8.9%). He also observes that complaints are highest in gentrifying and gentrified tracts (8.9% and 8.5%), noting his surprise, as he would have expected a decrease after tracts have gentrified. He states that he is familiar with the anecdotal idea that new types of residents moving into a neighborhood might be inclined to call in code complaints on individuals or conditions based on cultural difference, but does not necessarily draw any firm conclusions from the findings. He suspects this social phenomenon may be occurring, but notes that with the ability to call in anonymous complaints, this would be very difficult to confirm. He notes that he cannot think of any

good reason why land use violations would be comparatively higher in the later stages, gentrifying and gentrified.

Matthew also notes that the age of the housing stock in these areas may play a role in differences in complaint frequency:

It's accepted that if we have this area that's 10-years old in its typical construction and this [other] area that's 40-years old in its typical construction, you're going to have more complaints over here [in the 40-year old construction area], because it's older housing stock. But seeing that you might have two areas of similar age of housing stock but you have more complaints [in gentrifying areas than non-gentrifying], now it [would be] no longer the different between the age of housing. That [would be] really interesting to see...

Neighborhoods were not differentiated by age of housing stock for this report, so this cannot be confirmed here. Also, when different complaint types were broken out, gentrifying neighborhoods also had a higher rate of complaints for non-housing stock quality-related complaint types.

Austin Code Supervisor Lacey suspects that structural conditions or zoning complaints are due to new types of residents moving in to gentrifying neighborhoods. She says that they experience this in the field: In areas that are gentrifying, a new owner/resident will call in a code complaint on lower income neighbors who have lived in the neighborhood longer, complaining about conditions like “trash in their backyard.”<sup>11</sup> However, she suggests that these complaints do not come from a place of malicious intent:

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<sup>11</sup> Although Lacey first points to increases in structural violation and land use complaints in neighborhoods experiencing gentrification, this example, “trash in their backyard,” would be a property abatement complaint.

I've seen a couple neighborhoods in East Austin that are in that position right now... some of them are real concerns. Someone might call in and say, 'Their house, the roof has a hole in it, I don't know how they're living in it!' There's genuine concern is for the safety of that person living in it. I don't believe they're trying to run them out. They see what's occurring next to them, and they're like, 'I don't know how they're living in it, they need to get it fixed or something.' I see [it as] a good faith concern. Most neighbors want to see that everyone's safe. What do people want? A safe community. Community safety includes what a community looks like. Lack of blight. Lack of buildings that are abandoned. No rodent infestation. I see it more as concern for the people who are there.

Lacey concurs that different age of housing stock in different neighborhoods may be a contributing issue:

Some of the older buildings... we know we're going to have structural conditions problems in central Austin. Those houses have been around forever. And then the newer construction problems are going to be different totally. People will say sometimes that it's inequitable enforcement, but it's just the demand [for different types of enforcement] can vary.

Community advocate Jennifer wonders if higher code complaints in areas experiencing gentrification or vulnerability are due to newer residents calling code on older, low-income residents, or newer higher-income renters calling in on units they occupy because they do not see their own displacement as much of a threat. She does not argue that the latter is the case, but indicates that if it were, she would see no need for a policy reaction. She also wonders how a test like this might control for higher income residents calling code on other higher income residents. This, like all complainer profiling, would be difficult to accomplish due to anonymity. Like other interviewees, she is also familiar with the anecdotal concern that wealthier, newer residents in gentrifying neighborhoods call in code complaints on low-income residents. She is concerned about newer, wealthier residents calling in complaints on longtime residents

based simply on lifestyle differences (similarly to what was suggested in the 3-1-1 studies discussed in Chapter 2). She also suggests that it would be good to know which complaints are due to residents calling on their own home or unit compared to which complaints are due to calling on a neighbor. However, she understands that anonymity may preclude this sort of investigation as well. She notes that if this theory were true, it could be resolved by proactive code enforcement that doesn't wait for a complaint to be logged to inspect a structure. She notes that other Texas cities such as Houston, Dallas, and Fort Worth use proactive inspection rather than 3-1-1 complaint driven inspection. When observing that vulnerable but not gentrifying tracts also have a higher complaint level than "not gentrifying not vulnerable" tracts, she suggests that perhaps these tracts are actually already gentrifying and that there could be time-lag in the gentrification data (which was collected from 2012 to 2016). She goes on to suggest that in vulnerable but not gentrifying neighborhoods building owners could be purchasing and holding land, waiting for land appreciation to come to them, and not maintaining the properties appropriately in the meantime, which could lead to higher complaint frequency. Building owners in this scenario would be "milking" properties for rent while waiting to sell off as the neighborhood housing market heats up. These building owners would have no incentive to invest in maintenance and improvements on low-income rental properties. She cautions that this is a theory that she has had and that many people have, but that she has no definitive proof. Finally, Jennifer brings up the idea that maybe the higher level of complaints in these neighborhoods is just the result of housing conditions being worse in

these areas. However, as noted above, complaints are higher in these neighborhood for non-housing condition related complaints as well.

#### **INITIAL INSIGHTS INTO DISPLACEMENT RISK ASSOCIATED WITH CODE ENFORCEMENT FOR LOW-INCOME RENTER AND HOMEOWNER-OCCUPIED PROPERTIES, AND DIFFERENCES BETWEEN THE TWO**

The different ways that code might cause or contribute to displacement-risk for low-income renters and low-income homeowners are illuminated and given nuance by both expert-advocate and Austin Code interviews. However, expert-advocates generally had a clearer, more immediate understanding than Austin Code supervisors of the different ways that displacement risk plays out for renters and homeowners. Interviewees observe multiple threat types, characteristics, and responses.

Austin Code supervisor Matthew states that he hears about cases from his inspectors where enforcement on ROP properties that ends up triggering improvements will lead to that end up triggering rent hikes, effectively displacing the previous tenants:

I can definitely just anecdotally say that... we've had properties that entered the ROP program... we do a periodic inspection, write up a long list of things, a lot of deferred maintenance kind of stuff, and then ultimately the property gets some kind of rehabilitation loan or something and they go in and they do a lot of fixing up on a lot of these issues, and they've got new roofs and new siding and all the stairwells and the balconies, and all this stuff is nice and good and sturdy and great, but here comes the rent increase to pay for all that stuff, and now all the tenants that were there are now facing... "I can't afford another \$300 a month". And so, we did what the ordinance seems to want to have happen, but you have this negative consequence on the other side, that the ordinance doesn't really speak to. I think that's a very interesting dynamic when we look at ROP and [ask] "what is success [supposed to look like] in the world of ROP?"



Code supervisor Richard emphasizes that Code cannot treat rental and homeowner properties differently, and that ultimately Code's dealings are and must be with property owners. He says that sometimes owners of rental properties will say that some violation, "...is the tenant's responsibility." He responds, "We don't deal with leases. We deal with code. Leases are a civil matter" and not in Code's purview.

Richard also indicates that one point where Code officers do have some flexibility is in providing extensions for low-income homeowners who are making a good faith effort toward correcting their violation before issuing a citation. "Inspectors are trying to work with the homeowners," he says.

Code supervisor Lacey also states that Code's responsibility is dealing with the property owner, regardless of whether it is a renter-occupied or homeowner-occupied unit. She notes that by the ordinances that Code follows, the owner is the key responsible person for the property, and that whether a tenant or owner is occupying the building, the code violation will always go to the property owner.

Lacey states that she's heard about tenants being afraid to call in complaints for fear of retaliation from landlords, and she concurs that this probably happens. She suggests that Code's role is to deal with property owners and violations, and that she sees tenant-support organizations such as BASTA and the Austin Tenants' Council as the appropriate avenue for supporting tenants dealing with displacement risk. She sees Austin Code and tenant support groups as achieving health and safety for tenants in tandem:

We're going to do what we have to with that owner and allow the non-profit to assist the tenant. We're coordinated in a way. I can't really go to an owner and

say, ‘Don’t threaten those tenants,’ because that’s not really in the code purview. We can document that you’ve not done what you should, you haven’t repaired what you should, [but] I don’t want to get in somebody else’s lane. We have different roles.

Advocate Susan states that tenants wish to avoid calling in code complaints, because they don’t want to deal with the risk of retaliatory eviction from their landlord. She says that low-income tenants generally feel a stigma against calling code. She notes that a state law does exist that is intended to prevent landlord retaliation against a tenant who calls code enforcement. However, according to Susan, that does not prevent landlords from retaliating. She says that landlords assume that the law will not be invoked often and that they can get away with it. She also notes that the law only covers the six months after the complaint, so six months after a complaint a landlord can legally evict the person who complained and can even go so far as to tell them that the complaint was the cause of their eviction. For these reasons, Susan believes that tenant fear of retaliation is legitimate.

She states that she hears from Code officers sometimes that the officers themselves are nervous about issuing a citation on a rental property because they fear that it could lead to tenant displacement if it causes the building to be sold or rehabilitated. She sees validity in the fear and does not wish to dismiss it, but she indicates that if a code officer does not issue a citation, there is no legal standing for a retaliation claim.

Regarding whether increased or proactive code enforcement on rental properties would or could lead to such displacement, she responds that if property owners looking to flip, rehab, or sell could all do so, they would already be doing it. She says that the

housing market is complex enough that this is not a feasible reality for all property owners in all parts of town. She says that if the political will existed, she would support vigilantly enforcing code at rental properties, and suing and fining bad actors to force them out of the market by selling to better owners.

She suggests that landlords and building managers are incentivized to just do what Code asks them to, to the letter of the law, but not to change their behavior or address why these buildings are falling into disrepair in the first place. She suggests that the issues faced by vulnerable tenants are different issues than for homeowners, and that rental properties should be much more strictly enforced, even proactively enforced. She notes that Los Angeles' code department has different officers for renters and homeowners who specialize in the different needs of these communities.

She agrees that for homeowner properties, code inspectors should make an effort to work with people and give them exceptions and extra time to come into compliance. She points out that for homeowner properties, "normally it's the person who's living there who is being harmed, and if they want to live with tall grass and weeds, like, why do we care, as a city? So what? What's the harm?"

With landlord/tenant relationships, however, she emphasizes that there is a great power differential, and she believes that Code's job is to correct that power differential. She believes that if there is a violation on a rental property that Code should enforce aggressively, with no discretion, extensions, or other allowances. She understands that this might hurt small mom and pop landlords acting in good faith, but argues, "There aren't that many mom and pop landlords out there. And if you are a mom and pop

landlord and you can't maintain your property, then you should get out of the business of being a landlord.”

Expert and advocate Jennifer points to the idea of a tension for renters between affordable housing and the right to decent, safe housing. There is no perfect solution to this tension, she concedes. She believes in the need to provide basic level of health and safety for all properties. She notes that she's seen adults and children die in low-income properties [in Houston] due to unsafe housing conditions, which is unacceptable to her. Even if enforcement leads to less affordability, enforcing minimum health and safety standards is crucially important for her. She is less concerned about strict or proactive enforcement for violations that do not fundamentally affect health and safety.

In order to mitigate against rising rental costs, she suggests that cities could help by installing a voucher program to help soften the blow when rents go up due to improvements triggered by code complaints. She also proposes providing a tax abatement for properties housing low-income tenants that incentivizes make major improvements while keeping rents affordable.

For Jennifer, addressing this tension between affordability and health and safety is a primary reason why it is so important for code enforcement to work together with other housing departments to understand potential impacts and ensure that tools and mechanisms are in place to assist vulnerable tenants. Code enforcement might have a better chance to combat renter displacement collaborating with related departments than by working alone.

Jennifer describes the displacement risk that Code could cause for low-income homeowners as being entirely different than for renters. She says that homeowners might face an “economic squeeze” from needing to make unexpected repairs that might increase displacement threat. Luckily, Jennifer notes, Austin has a number of home repair programs, although she does not know how well these programs function. She believes that Code proactively connects low-income homeowners with these programs. This was confirmed in interviews with Code supervisors.

#### **DATA HYGIENE ISSUES, AND OVERALL LIMITATIONS OF CODE DATA**

Local expert-advocates and Austin Code supervisors all point to gaps and inefficiencies in Code’s data hygiene that make analysis of the sort done for this report difficult to conduct and make meaningful. Local advocates are well aware that these gaps and inefficiencies create barriers to understanding the impact of Austin Code on different types of residents. Additionally, Austin Code supervisors suggest that these gaps and inefficiencies lead to workflow inefficiencies within the department, especially for the Repeat Offender Program.

Advocate Susan recounts an effort by the Austin Women in Housing Code Working Group to procure detailed information about Austin Code violations through a public information request. The request was costly and time-consuming because code does not keep categorical data about code violation types beyond broad categories like Land Use Violations and Structural Violations. Rather, information on specific complaint types and characteristics is kept in notes fields written by individual officers. These fields

also contain potentially personal information such as phone numbers or gate codes, which must be redacted manually. Because this data is costly and time consuming for the public to procure due to the need for manual redaction, and because it is not categorical even after it has been redacted, it is prohibitively difficult to answer questions such as, for instance, how many complaints in the city involve mold, or bedbugs, or unsafe balconies. For Susan, the broad categorical fields that are publicly available do not provide meaningful detail. She suggests that the code department needs to use a categorical “housing condition checklist” that field officers can check off and that would be easily distributable to the public. Then, if the comments field needed to be kept private or redacted, at least stakeholders could determine patterns associated with specific complaint types. She laments that Austin Code does not keep its data in a way that is sharable.<sup>12</sup>

She also suggests that it is confusing and opaque for Code to have multiple case numbers associated with the same case. A complaint starts with a “CC” number, but when it’s verified and a notice of violation is delivered, a separate “CV” number is generated. She states that this creates confusion. She also says that she has seen some evidence in the redacted dataset that indicates that there are CCs that have a “violation” mentioned in the notes field, but no associated CV number. This makes her suspicious that there are properties that are being overlooked when Code generates the list of ROP-eligible properties by looking at CV frequencies.

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<sup>12</sup> In April 2019, after this interview was conducted, Austin Code released a new public dataset called “Repeat Offender Property Deficiencies” that has a categorical “Deficiency Category” column with finer grain categorical violation detail. However, as of writing, this “Deficiency Category” column is only currently publically available for this ROP property dataset, not for all code complaints or violations.

She notes that Code does not have or share a categorical field that differentiates between renter and homeowner-occupied properties. Because of all of the differences in vulnerabilities and impacts between renter and owner-occupied properties discussed above, she finds this problematic.

She notes that Code says they are making a good faith effort to fix some of these problems, and that Director Wright has been making strides to modernize some of Code's tech systems. However, she indicates that she has not seen the radical shift that she hopes for, and feels like it should not be difficult to fix some of these data hygiene issues.

Expert Jennifer also finds it problematic that categorical information about specific complaint types does not exist. She goes on to state that she wishes that there was a better way to track who is doing the calling compared to who is being called on in neighborhoods experiencing displacement and neighborhood change, but she understands that this is not possible data to collect.

Code supervisor Matthew indicates that beyond the concern from advocates and external stakeholders, the lack of more specific categorical data also leads to process inefficiencies inside the department. For instance, with the ROP program, Code personnel run queries that generate a list of properties that *might* be ROP eligible. However, inspectors cannot automatically tell which properties on the list are renter-occupied, the basic requirement for ROP-eligibility. Code staff must manually research each entry on the query result list to assess whether it is a renter-occupied property. Also, not every code violation is ROP-eligible, so Code staff must manually research and assess whether the violations that landed a property on the ROP query list are ROP eligible. He

acknowledges the inefficiency of this process, and indicates that Code is working to identify solutions to “bottlenecks” in their data collection and sharing process.

He suggests that it may be challenging to identify the specific categorical complaint being made about a property due to partial or inaccurate information received online or over the phone when the complaint is initiated. He imagines that once an inspector has gone out and verified a violation, that there could be a system for them to check off an actual citation to the land development code or international building code, for instance. He believes that this information may exist in there system currently, but he has not seen it in database form.

When I ask if there are ever instances where a CC “should” get a CV number but doesn’t, he points to a small amount of low risk, non-health and safety concerns, for example, “carts at curb” (leaving a trash or recycling bin at the curb for longer than 24 hours) or tall weeds and grass, that can be addressed with “field issued notices.” Field issued notices do not receive a CV. I ask if these CV-less violations could lead to missing ROP-eligibility, as Code reviews CV counts for eligibility. He responds that since tall weeds and grass could count toward ROP, it is possible that these cases fall through the cracks in the current eligibility assessment. If a property had one notice of violation (CV) and one field delivered notice on a ROP-eligible violation, that property would not show up in the ROP eligibility query that the department runs, as far as he knows. He suggests that this is an overall efficiency improvement for Code as a whole, and that field issued notices are not about immediate threats to health and safety, even if they are ROP-eligible. He says that submitting a notice of violation on a non-health and safety-related



incident takes a significant amount of time to do, and that field issued notices are a helpful workaround that save field officers time, and shrinks the window of time it takes for Code to deliver a notice to the property owner.

#### **CODE’S MISSION, AS IT IS AND AS IT SHOULD BE**

Austin Code supervisors understand and can articulate their departmental strategy without hesitation: “educate, collaborate, then enforce,” with only minor variation from officer to officer. All expert-advocates and some Code supervisors also highlight “health and safety” as code enforcement’s primary mission. Code supervisors reflect that “equity” has been an additional staple value of the department under Director Cora Wright’s leadership. Code staff and advocates present a range of interpretations of these values. Expert-advocates suggest that Austin Code’s mission may not appropriately distinguish and prioritize the health and safety concerns that affect the city’s most vulnerable populations from other non-health and safety related complaints and violations.

Code supervisor Richard suggests that Code’s mission has improved for the better under Director Cora Wright. Wright has instructed the department to focus more on community. His interpretation of the current mission is that starting with education before moving to enforcement allows for collaboration with the community. He states that Code does not wish to “just be hammering people.” He says that he is biased toward leaders like Director Wright who have “a people’s heart.” He says, “I’m community oriented. I believe if I put on this uniform and I come to the field to play, I’m playing for the

community, for the people. I believe that the government is for the people, and what the people say. I know that sounds cheesy, but...”

He states that Austin Code is “not in the business of taking people’s homes.” He says that the department’s focus is on health and safety. He says that if a low-income property owner is facing a financial burden caused by Code, they will try to work with that person, offering them compliance extensions and connecting them to assistance resources that the City provides.

Richard states that Austin Code prioritizes equitable enforcement. When asked to describe equity, he uses a metaphor:

Say there’s an apple tree. I tell you guys, “You can have as many apples as you want to eat.” You can reach the apple tree but there’s a little old lady next to you that’s a lot shorter than you. She can’t reach the apple tree. So, what I do is come along to give equity to the situation... It’s already equal, because I already told you, “You both can go eat from the apple tree as much as you need,” right? But to give equity to it, I might give her something to stand on to make her your height so she can reach the same apples that you reach.

I ask him how this metaphor applies to the work of Austin Code. He responds that Code often deals with residents whose finances cannot support code-induced improvements, and that in these cases he always tries to not just educate them [and enforce code], but also to connect them with outreach programs and resources to help them come into compliance. He states, “You might be able to afford to fix your roof or walls, but the old woman over here on Social Security, she might not be able to do that as fast, so we try to find resources to help [people like her] come into compliance.”

I note that this response sounds homeowner-focused, and he says that it is. He says that Code does not extend similar extensions and resources for property owners who rent their land. He says, “It’s not the intent for us to fix up your house so you can rent it out. Our intent is to make sure the house you’re living in is safe and healthy.”

I press again, asking what “equity” means at Austin Code in landlord/tenant situations. He responds that this topic is really the purview of groups like the Austin Tenant’s Council. He states, “Code doesn’t have the teeth for holding landlords responsible, especially when it comes to retaliation.” He says, “From an inspector’s point of view, we try to make the environment as healthy and safe as we can. We’re going to talk to owners, we’re going to escalate cases to court or to the Buildings and Standards Commission. It won’t be an extension situation.”

He emphasizes, however, that Austin Code must be a neutral party enforcing the law. He expresses frustration that Code cannot do more to help vulnerable tenants: “That is hard. I know that it does happen. I can assume that retaliation happens from time to time... We press on the homeowner [landlord], ‘You need to give them a livable place to stay.’”

Code supervisor Lacey concurs that Austin Code’s mission is “education of the community, collaboration... and then the enforcement phase.” She believes that education must be a consistent and equitable value that Code deploys in every part of town in every interaction. She says that many residents do not understand what Code is and does. She believes that Code has a duty to work with communities. She says that she and her officers ask, “How can we help your community with that? How can we [work

together to] preserve your community?” She sees Code’s role as helping “get everybody on the same page” in a neighborhood, working with community members to prevent having to get to the enforcement phase. Finally, she acknowledges that, “enforcement is there. There are going to be homeowners or absentee landowners. They may need the extra enforcement. They’re not looking out for the preservation of the occupants or the community.”

Code supervisor Matthew states that even in landlord/tenant situations, there can still be an educational component with the landlord. Even with ROP properties, he says, Code has a responsibility to work to educate property owners and managers about the codes, regulations, responsibilities, and consequences they need to be aware of, with the hope that they will “learn from it and over time we’ll see less issues.” He says,

ROP leans toward professional-class landlords, but a lot of times it’s [for instance] a person who bought a duplex and decided to rent it out and try to gain some income out of it... but they’re not necessarily in the industry so to speak of running rental properties, so I still see a role for us to play about educating landlord about responsibilities from code perspective.<sup>13</sup>

Advocate Susan expresses concern that Code’s mission, strategy, and actions are not appropriately prioritizing health and safety concerns over non-life threatening issues, especially for Austin’s most vulnerable residents. She suggests that Code’s C-TERM response prioritization system does not appropriately prioritize imminent health and safety concerns over other less immediately threatening scenarios, such as short-term rentals. She states that C-TERM’s goal should be entirely to prioritize the most

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<sup>13</sup> Contrast this with Susan’s earlier statement that “if you are a mom and pop landlord and you can’t maintain your property, then you should get out of the business of being a landlord.”

imminently dangerous issues, but that instead Code prioritizes quality of life issues too much. She says that in conversation with Code about C-TERM, she was told that a short-term rental would be prioritized as a “2,” meaning that a Code inspector needed to respond in person within 24 hours. However, when she asked whether a tenant with a leaky roof in the rain would also receive a “2” priority, she was told that it may be up to the operator and Code officer discretion.

She sees this issue as resulting primarily from political pressure on the issue of short-term rentals. She also feels that there is a “culture issue” at Code. She says that Code does not see its enforcement as being rooted in the protection of tenants in multi-family housing. In some other cities such as Los Angeles and New York City, she notes, code enforcement is located within the housing department or health department, whose service to low-income tenants is at the core of their mission. She states bluntly, “Whereas Austin Code doesn’t really have the same type of mission, because they see themselves as ‘quasi-APD [Austin Police Department] lite,’ they see themselves as law enforcement. That’s a different kind of approach. Less of a problem-solving approach.” She adds that she disapproves of calling them “officers,” which she argues connects them to law enforcement, instead of helping residents. In some other cities, she notes, the title “inspector” is used instead of “officer.” Advocate Rachael is also troubled by her perception that Code affiliates itself with police enforcement. She notes that many code enforcement officers are ex-police.<sup>14</sup>

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<sup>14</sup> Several of the officers I interviewed indicated that they were ex-police.

Regarding Code's "education, collaboration, then enforcement" mission, Susan says that this type of community building doesn't work for multi-family rental inspection. "What community are you trying to build?" she asks. She sees attempts by Code to help build better relationships between tenants and landlords as benefiting landlords more than tenants.

Expert Jennifer states that the main part of Code's mission should be to protect the safety of residents who lack the means to protect themselves. She says that tenants rely on their landlords for safety, and that Code's primary responsibility should be to make sure that tenants are safe and healthy in their homes. She says, "Ultimately the mission is to ensure health and safety of residents' living conditions. To me, it's prioritizing the most dangerous and unsafe rental buildings in the city." She acknowledges that at present Code is responsible for much more than health and safety.

Advocate Rachael does not hold much stock in Code spending time prioritizing land use or quality of life issues: "It's just about our preference [as a city] rather than actual health and safety issues. That should be treated very differently." However, Rachael suggests that Code and advocates of more proactive health and safety enforcement also need to consider the unintended consequences of ramped up health and safety enforcement. She says that she used to have more of a black and white moral view that building code should be enforced proactively because everyone deserves a safe place to live. Now, she wonders,

...in Austin's housing market, if we did that citywide... each landlord has a different business approach to why they own a property, and many of them are

just holding a property until they want to flip them. [They] buy and hold for 5-10 years and then sell to be redeveloped. So not knowing when you get to a building that has issues, what the intention of the landlord is... if they're just a traditional landlord, doing enforcement on them, it would make sense, there's lower risks there. But for ones that are in worst conditions, the ones that are being neglected because they're just investment properties... [If] you start poking at that... are you just speeding up the inevitable flip? And do you want to do that?

As a bottom line, Rachael concurs with the other expert-advocates that Code's mission and priority should be about health and safety. She thinks that Code should minimize activity in "politically charged" areas like land use, short term rentals, and other quality of life violations. She suggests cynically that Code's attempts at education and collaboration are "paternalistic" and "barely scratch the surface" of meaningful, community-oriented work. She advocates an "informed, community-led approach," but appreciates that Code would need to develop significant capacities to achieve this. She worries that because of Austin's hot market, Code is inadvertently participating in "replacing poverty instead of addressing poverty." She says that the new approach needed for code enforcement –whether strictly within Austin Code or more broadly – needs to ask "What are the best tactics and strategies to improve living conditions for you and not for somebody else?" She suggests that the city and the department need to implement anti-displacement and pro-housing approaches at the same time. She concludes,

It's still very difficult for me to balance out the big picture, policy-wise, of how you balance out strict code enforcement and the unintended consequence of what that does in low-income housing. I'm not saying that [strict enforcement] definitely displaces everyone, but [I'm hesitant] because of not knowing. Because of the power the landlord holds in that situation.

## **AUSTIN CODE’S UNDERSTANDING AND TRAINING ON GENTRIFICATION AND DISPLACEMENT**

Austin Code supervisors report that the concepts of gentrification and displacement in general – and the effect of code enforcement on gentrification and displacement in particular – are familiar topics of conversation within the department. However, the interviewees indicate that no specific training or instruction about displacement or gentrification has occurred within the department. Some code supervisors reflected skeptically about whether Code could have a serious effect on residential displacement for either low-income renters or homeowners, or else suggested that the solution would have to be policy-driven rather than something they could control or manage administratively through departmental strategy.

It is noteworthy that when the terms gentrification and displacement came up, most code supervisors tended to think of low-income, single-family homeowners – rather than renters, and/or residents living in a multi-family structure – as their “baseline case.” This presents a stark contrast with the way that community advocates discuss gentrification and displacement: the “baseline case” that advocates use is a multi-family renter.

Code supervisor Matthew indicates that there is no top-down training on gentrification and displacement in the Austin Code department, but that staff are aware of these issues. He suggests that Code deals with dual pressures: on the one hand needing to enforce deferred maintenance issues, and on the other not wanting to trigger improvements that will cause a property to flip and displace people. He warns, however,



that resolving this tension is not within Code's purview: "Code enforcement...we're an administrative department. You hand us an ordinance. Our job is to, in the most efficient manner possible, try to enforce the provisions of this ordinance..." The consequences of those actions, he states, are the responsibility of policymakers.

Code supervisor Richard concurs that the department does not have a specific strategy for dealing with gentrification and displacement, but that officers do talk about it among themselves. He also reports that Code officers must stay strictly within regulations, but that within those regulations officers will try to work with residents in order to avoid displacement. He says, "As long as you're staying within policy, then we're here to work with the people, to educate them, to get them the resources they need, get them where they need to be. I wouldn't want to be working for an entity that displaces people."

Code supervisor Lacey says that the issue of displacement comes up for Austin Code on a more individual basis rather than at a trend level. She points to practical issues that would lead to code-induced displacement, dangerous conditions such as a fire, a gas leak, or a serious structural violation. She does not see "the slow impact of displacement" in relation to Austin Code, however. She says that she can see why some community members point to Code activity as contributing to displacement, but she feels that the high cost of living is the main contributor and does not see a direct connection to code enforcement.

## **CODE OFFICER DISCRETION AND DEPARTMENTAL STRATEGIC DISCRETION**

The question of whether field officers do or should use discretion in code enforcement illuminates a potential disconnect between Austin Code and expert-advocate interviewees. In the context of these interviews Code supervisors minimize the discretion available to them, arguing that they follow fairly strict guidelines and parameters and guidelines. The supervisors indicate that the primary discretionary opportunity they have in the field is to determine whether or not to give an extension to building owners before advancing cases to legal action. Expert-advocates emphasize that any and all discretion on the part of code must be couched in thorough contextual understanding (renter vs. homeowner, SF vs. MF, gentrifying neighborhoods, etc.) and with meaningful training on specific parameters. Anecdotally, some expert-advocates indicate that they are aware of cases where inappropriate or inconsistent discretion has been used, but Code interviewees deny this claim.

All Austin Code interviewees strongly indicate that as an administrative department, they follow a strict protocol when responding to complaints that leaves little room for individual officer discretion. Supervisor Lacey states, “There’s processes, you have to [follow up on] the call, you have to go to the site, you have to validate the complaint, once we validate it, we have to notify you of a [remedy] timeline, we have to give you a remedy. Those are just processes like any other department has to have.”

Code supervisor Richard says that when a code officer investigates a complaint, they cannot turn a blind eye if they identify a violation. He states that officers must validate complaints, which turns the complaint into a violation. He pushes back on the

idea of discretion: “We can’t go out and say it’s not a complaint and not do anything about it [if we’ve been out and see that it should be validated].”

Code supervisor Matthew says that each violation-type carries a pre-set number of days for a homeowner to comply by making required improvements. He states that “there’s not a lot of discretion” concerning the compliance window. According to Matthew and Richard, officers do have discretion, however, when it comes to allowing extensions for property owners who have not resolved their violation but have clearly made a good faith effort toward compliance. However, Matthew says that if the officer does not see that the property owner has made a true effort toward resolution, they will not offer an extension but will rather move to legal action. Matthew states that ROP officers are not inclined to provide extensions to ROP property owners, but may do so if they see meaningful progress toward resolution (“For example 10 windows need fixed and there’s a contractor out working on it, but there are still six windows to go”).

Expert-advocate Susan paints a different picture. She suggests that she is aware of complaints that should be logged as violations, but are not. She states that she works with tenants who say,

“We called Code and they came out and there was a violation,” but when we [advocates] look, there was never actually a violation. Code would say this is a good thing: “We just had to talk with the manager and the problem was fixed.” But from an advocacy and “tracking bad landlords” perspective, you would want to know that there is a violation [even if it was fixed].

Expert-advocate Jennifer heard of a situation where Austin Code was cracking down on single-family homeowners in the Rundberg neighborhood, thought she does not

know why this occurred. She characterizes this as departmental strategic discretion that was “really inappropriate” and resulted in the “focus of resources where they shouldn’t have been focused.” She argues that if discretion and context specificity are present in Austin Code strategy, she would want to make sure that officers are well trained with clear standards and priorities, in order to avoid context being decided by the “whims of the [individual] Code officer.” She warns that without specific training and guidelines, “you can get arbitrary and inappropriate responses.”

#### **ANONYMOUS COMPLAINT SYSTEMS**

One Code officer expresses frustration with anonymous complaints and reactive enforcement, because he believes that it leads to abuses. Another officer points out that even though allowing anonymous complaints does open the door for abuses, it also protects vulnerable complainants. One expert-advocate suggests that in her experience anonymous complaints by renters do not get taken as seriously by code as complaints by identified complainants.

When I ask Code supervisor Richard whether he perceives a problem with anonymous complaint systems, he interrupts, “Yup,” before I even have the chance to finish the question. “I hate it with a passion,” he says. He expresses frustration that officers are required to follow up on anonymous complaints regardless of the validity of the complaint or the motive of the caller. He wishes that 3-1-1 and Austin Code could at least log contact information for all complainants, “so we could weed out the profit driven complaints.” He continues,

Every inspector knows in the back of their minds to a certain extent that we're being used. But at the same time, we have to go out and validate the complaint. The law says we have to send notice [if there is an identified violation]. But we try to work with them as much as we can to prevent any type of displacement. Because that's not what Austin Code is about. We're about safety and health. That's it.

Code supervisor Lacey states that she tries to look at the pros and cons of anonymous complaints from all sides. She sees how anonymous complaints provide protection for the caller. But she also suggests that anonymity can be abused. The abuse she has in mind, however, is not bad actor developers putting pressure on property owners in hot markets. Rather, she suggests a social phenomenon, where "someone gets Code called on them, and then they retaliate and call on their neighbors," setting off a retaliatory chain reaction. She refers to this phenomenon as "bulk calls." She does not feel that bulk calls are unique to one type of neighborhood in Austin, but rather sees the phenomenon occurring in all different types of neighborhoods.

Advocate-expert Susan does not feel that the ability to complain anonymously helps tenants: "An anonymous complaint doesn't help a renter who has an internal issue. You know who complained!" She feels that this makes renters who complain vulnerable to landlord retaliation. She also claims that because code is not accountable to a specific party with an anonymous complaint, they are not as systematically followed up on by the department. This claim is squarely opposite of feedback from Code supervisors. For instance, in the discussion with supervisor Richard above, he expresses frustration precisely *because* they must follow up on anonymous complaints systematically.

## **ABUSE OF CODE BY DEVELOPERS OR OTHERS**

Code supervisors are very familiar with the concept of the bad actor developer who abuses code complaints and Austin Code in order to put additional pressure on low-income homeowners to sell the land. The code supervisors affirmed their belief that this activity occurs in Austin. One officer in particular reported extreme confidence that he has experienced this phenomenon in the field.

Code supervisor Michael confidently states that he is aware of “a few” developers who lodge code complaints against properties they wish to purchase as part of their strategy to put additional pressure on property owners to sell. He suggests that some developers do not even bother to make the complaints anonymously, and will admit to using this strategy when confronted.<sup>15</sup> He says that he is not surprised to see rising code complaints in neighborhoods that have historically been “economically disadvantaged areas” that now have hot real estate markets.

Michael states that when inspectors go out to inspect complaints in these neighborhoods, residents express concern: “They say they can’t afford to get the house fixed. They’ve been living here 30 years. They’re living day-to-day on a fixed income. [It could be] children taking care of parents or grandparents.” He says that developers count on low-income homeowners not being able to make repairs or failing to request extensions, forcing Code to have to take legal action. He says that developers hope that homeowners will face so many fines that they are forced to sell, at which point the

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<sup>15</sup> This claim came late in the research and interview process and was not further researched for this report.

“developer comes back in and tries to take it off their hands.” Michael states that “it happens all the time.”

Michael reports that recently he was doing a ride-along with one of his inspectors when a resident pulled them over and told them that a person was going door-to-door in the neighborhood asking to buy houses. The resident, who was suspicious of the officers, suggested that they had hardly seen Code in the neighborhood for many years, but suddenly Code had a renewed presence in the community at the exact same time that someone was aggressively trying to buy homes there. Michael expresses frustration that Code inspectors must see violations through in these situations.

I ask Michael if he feels this tactic is successful for would-be buyers, and he responds that it is. He says that he often follows up on these cases to find that the violation case has been closed because the house has been demolished or remodeled, and that the previous property owner is gone.

Supervisor Richard provides similar feedback. He says that sometimes when an officer and a property owner have developed trust, that the property owner will “start to tell you different things about people want to but their home or letters they receive or people they’ve talked to that may have been by three or four times.” Richard cannot point to proof that bad actor developers are abusing code complaints as a tool to place pressure on property owners, but he points to an “urge [sense]” that he and his officers get when they visit such locations and speak with residents. He stresses that in these situations, his officers seek to work with the homeowner to come up with solutions that will avoid the

homeowner being displaced. He says, “I’m not going to make them move. I’m going to bring them up to code, and we’re going to help them do it.”

Code supervisor Matthew states that he also has heard about this phenomenon occurring in Austin. He says,

You’ve got someone eyeing the neighborhood as development potential, so one of their strategies is to go in and start calling in complaints on these properties to try to drive Code activity to try to, I guess, accelerate that turnover. I’ve heard that theory before, too. Whether it’s true or not I have no idea.

Matthew reiterates that Code must enforce uniformly across the board, regardless of property type. He believes that selectively enforcing would be an unwise strategy:

From Code’s perspective, our desire is to ensure that we’re enforcing equally across the board, that we’re not more likely to file a notice of violation in one area versus another. How we treat it isn’t different based on where it’s happening or who it’s coming from. If we see this is our violation, then this is our process. Trying to get into that realm of reacting differently to complaints in different areas or from different sources is a really tricky place for us to be. Selective enforcement is something we don’t ever want to be a part of. There needs to be – and there is, on some level – an idea of trying to figure out how could we go about modifying our processes such that we have as little impact on these gentrification issues as we’re capable of. [But] at the end of the day if we show up and we see a violation, we have a duty to note the violation and seek correct to the violation.

He goes on to point out that most significant changes that would help Code avoid accelerating displacement would need to be developed legislatively rather than administratively within the department:

At the end of the day, everything we enforce is something that was passed by [Austin City] Council. And so, we have this duty to react the way we’re supposed to react when we see a violation of the laws and regulations adopted by our city. But at the same time, I think we’re also aware of what the potential impacts of those actions can be. But I think where the real struggle and challenge lies is



trying to figure out how do we get compliance, while at the same time trying to minimize the negative effects of what those actions entail. I don't think anyone's blind to that problem, but how to solve it is tough, because trying to figure out where that line is... You don't want to drift so far off base that you get accused of selective enforcement, but you don't want to stream so far the other direction that it's absolutely no consideration taken into for type of complaint, how it's affecting the person who's affected by that violation. I think at some level we try to deal with that through our policies of allowing extensions because that allows us some discretion in terms of "what are we seeing?" because there's going to be a disparity... If you've got a hole in the roof but you are persons of high means, your path to compliance is pretty straightforward: You hire a contractor, they fix your roof, and the problems done. If you're someone who has less means, you have a harder time getting to hiring a contract and getting the problem fixed. You may need longer, or you may need access to some kind of low interest loan. It's clear that the problem is the same, and the resolution at the end of the day is the same, but trying to figure out how you create paths to get to that goal that don't negatively impact one more than the other, I think that's the real challenge that we all have. And there's probably some administrative things that we could try to figure out, but at the same time, some of that's a policy discussion. It's a challenge.

#### **CODE'S UNDERSTANDING OF HOW COMMUNITY IN GENTRIFYING NEIGHBORHOODS UNDERSTANDS THEM**

Austin Code supervisors stress the importance of being a part of the neighborhoods they serve, and finding opportunities for education and collaboration prior to enforcement. Officers admit, however, that neighborhoods in gentrifying areas of town often react negatively to Code's presence in the area, and often point the finger at code as being a cause of displacement pressure.

Code supervisor Richard states that "Sometimes the community says they think we're out to get them," but that, "The last thing we want to do is write a ticket. The last thing we want to do is send someone to court." He says that he encourages his officers to be in their community, attend community meetings, and generally be an active part of the

life of the area. However, he tells the story of one of his inspectors who attempted to pass out Austin Code educational fliers at a community meeting and was told to leave. “They didn’t want him there,” Richard says.

Code supervisor Lacey thinks that it is important that Code officers have relationships and ties to the neighborhoods they serve, but she also acknowledges that “there are several neighborhoods that would rather not have the Code department.” She characterizes this conflict as miscommunication and lack of understanding. Though she says that Code takes “a lot of heat” at community meetings in these neighborhoods, she feels that these situations generally end positively, often with residents wanting to work collaboratively with Code.

#### **THE VALUE OF RENTAL REGISTRATION AND PROACTIVE ENFORCEMENT**

Several interviewees point to rental registration or some form of proactive enforcement as a viable avenue for greater health and safety protection – and possibly mitigation of displacement risk – for vulnerable renters. One lone expert-advocate expressed trepidation about proactive enforcement and its unknown effects on low-income renter displacement in Austin’s hot real estate market.

Several interviewees point to rental registration or some form of proactive enforcement as a viable avenue for greater health and safety protection – and possibly mitigation of displacement risk – for vulnerable renters. However, one expert-advocate expressed trepidation about proactive enforcement and its unknown effects on low-income renter displacement in Austin’s hot real estate market.

Expert-advocate Susan feels that proactive enforcement – such as a rental registration program – is generally a great thing. She does have concerns that the proactive enforcement that currently exists in Austin, namely the ROP program, does not function properly. She feels that properties in the program are not being thoroughly and uniformly enforced. She would like to see these issues addressed before moving wholesale to proactive enforcement. She feels that Code doesn't always follow up with even non-anonymous complaints.

Advocate-expert Jennifer states that comprehensive, proactive inspection is a best practice, and cites other Texas cities that already do proactive enforcement, such as Dallas, Ft. Worth, and Houston. She notes that the best programs have evolved to adopt tiered systems of inspection based on level of risk. For instance, a brand-new property might not need to be inspected regularly right away, whereas a unit built 50 years ago would need to be inspected more regularly. She likes that idea of officers being able to “get their eyes” on the property without relying on tenants to complain, as the more vulnerable a tenant is, the less likely they are to report due to risk of exposure to landlord retaliation. She points to research that supports this finding. She also suggests that proactive enforcement would allow Code to get out to properties and push for repairs before it's too late and the property has to be torn down.

Expert-advocate Rachael says that she is more skeptical of rental registration now than she was when it was on the table for Austin in the early 2010s. She generally likes the “registration” aspect, as she sees a need for accurate and comprehensive rent data for the city. However, she is nervous about the unintended consequences of rental

registration with proactive enforcement. She sees a risk of triggering redevelopment and rent hikes in older properties to help property owners cover the cost of code enforcement-induced improvements, which would then lead to the displacement of low-income tenants. Since rental registration would be geared toward older properties, she argues, there is a strong possibility that the city's most vulnerable tenants would bear the costs of improvements in the end. She does not feel totally comfortable drawing a line as to which outcome is better or worse – tenants living in substandard units, or tenants being displaced due to code enforcement-induced rent hikes.

#### **WHERE CAN IMPROVEMENTS BE MADE?**

Beyond the improvements to Austin Code's departmental data hygiene suggested above, expert-advocates suggested several further reforms to Austin Code strategy in the context of the department's effect on residential displacement:

- Develop two discrete departmental strategies to deal with homeowner units and rental units. Possibly even have different officers responsible for managing the different designations, as occurs in other cities.
- One advocate goes even further and suggests that a different set of inspectors – or even a different department – should be responsible for health and safety issues, as opposed to non-life-threatening nuisance issues.
- Include and prioritize tenant and other vulnerable voices in the discussion.
- Regularly evaluate program impacts of code enforcement.

Susan believes that it would be legal to have two programs or divisions within the Austin Code department, one for renter-occupied properties and one for owner-occupied properties. These two divisions could have different primary strategies, priorities, and training. She says, “From a policy standpoint you could say... we’re going to have hypervigilant enforcement for multifamily rental properties because these people are paying for the use of these buildings and could not correct these things themselves.”

She also suggests that two systems, one for owner-occupied properties and one for renter-occupied properties, could clarify the different displacement threats and impacts on these two populations. She emphasizes that such parallel strategies could help focus anti-displacement efforts on low-income renters, who she argues face a far rater risk of displacement in Austin in aggregate. She says that although many in Austin have an image in their head of a low-income East Austin homeowner, being forced out of Austin,

the number of those people are rapidly dwindling. I think it’s an archetype that’s not beneficial to the larger conversation. If you look at who’s being displaced in Austin. 68% of African American households are renters. 65% of Latinx households are renters. 75% of households making less than \$50k a year are renters. If we give a shit about diversity in this city, if we care about both economic and racial diversity in this city, that means we have to focus on renters. Punto. That’s it. That means that more than that percentage of our policy priorities should be going toward renters. But as a city, when we talk about gentrification, we talk about east side elderly homeowner. And that isn’t the displacement problem in this city. And that’s not saying that those people should not be helped. But that should not be the lens, that should not be the conversation we’re having, because that’s not the actual people who are affected. And if we just craft policy solutions to keep grandmas in their homes, grandmas die, grandma’s kids inherit the property, and grandma’s kids make bank and the city doesn’t recoup any of the money that the city invested into that property. What have we done? We have another monstrosity built in East Austin. It’s so shortsighted. We’re not talking

about long term affordability. I do not think that Code should be going after those [low-income homeowner] properties and issuing code violations. We should have discretion over that. The thing is though, that property has so much freaking equity in it. It's skyrocketed. Let's craft programs that capture that, so that as a city we're not throwing tens of thousands of dollars for home repair into a home that we're never going to recoup and where there's no guarantees of [long term] affordability. That's insane, it just doesn't make sense. And that person is normally higher income than most of the people who are being displaced, and all the [low-income] renters have been pushed out long, long ago.

Expert-advocate Racheal expresses frustration that code enforcement has come to cover so many different tasks and activities. She says, for instance, that “a land use issue, in my mind, is a very different issue than, ‘My roof is going to cave in and kill me,’ in terms of urgency.” She wonders if perhaps it would be reasonable to separate out health and safety risk enforcement from other aesthetic enforcement at the agency or departmental level.

Rachael also emphasizes the importance of centering tenant voices in this conversation. She says, “If a tenant is living in bad conditions, and they know that if [they tried to take code action] that it could likely trigger fixes but also raise rents, they’re making that economic calculation...” She worries that making that calculation or decision for tenants from the top-down, “forces the ‘you don’t get to live here at all’ option” by triggering rent hikes. She warns that without tenant voices in the mix, we might implement policies that force tenants out of their homes, and “forces a decision that’s the opposite of the one they made.” She acknowledges that these populations are marginalized in many ways, and that they are difficult to organize and bring to the table for this sort of discussion. She suggests that organizing marginalized tenants would

require an incredible amount of resources and skill, which she argues does not currently exist in Austin. She says,

People who already have a social justice mindset say, ‘We need to listen to the people.’ Yes, that’s a good value, but to get the right people whose voices are actually representative of the people they claim to represent is really difficult. If you have to do it you have to do it well. I don’t think we do it well here in Austin.

Jennifer advocates for increased training so that Code officers can enhance context sensitivity. She suggests that the training and sensitivities she imagines would need to be grounded in “what’s going on,” and would require accurate and appropriate data about what problems are occurring, for instance, verifying “if more calls are coming in against existing residents by other residents.” She also emphasizes the importance of regular departmental evaluation. “How are we doing, what are the impacts that we’re having?” If any displacement mitigation interventions were to be pursued at Austin Code, she would also want to see evaluation about whether those interventions are working, and/or whether they are causing unintended harm.

#### **CODE’S FEELINGS ABOUT COMMUNITY/ADVOCATE FEEDBACK**

One Code supervisor states that he values suggestions and feedback from community advocates. He states that he reads and takes seriously reports and audits such as the UT Law reports and the City of Austin 2016 audit, and attempts to use this feedback for program improvements and revisions:

Stakeholder feedback is incredibly important to us. That tells us a lot about how we’re doing. Where does community feel like we’re missing the mark. Sometimes there’s a legal obstacle that I can’t really punch through, but sometimes I’m

missing the mark and there *is* a solution to it. [Some of these are] solvable problems. [Maybe, for instance] it's access to more data, which allows people like you to go through and find these interesting complexities that exist, and then you make us aware of these complexities, which gives us something to think about and consider, and try to use that information in terms of: when we do go through some kind of programming design, how do we factor this in, and how can we try to capture that? So, all of this information is really helpful.

He notes that Code has to deal with competing interest groups, and describes attempting to navigate solutions that will be acceptable to both tenant advocate groups like BASTA and Austin Tenant's Council on the one hand and also groups like the Austin Board of Realtors and the Austin Apartment Association on the other. He states that an ordinance "is what it is," but that how a department goes about administering that ordinance can "lean one way or lean another," and that he and the department attempt to weight those competing pressures and find points of compromise that will appeal to both groups.



## Chapter 6: Discussion

As the previous chapter indicates, code enforcement – in all communities, but especially in communities experiencing gentrification and neighborhood change – requires balancing between the needs of homeowners and renters, between reactive and proactive enforcement strategies, and between enforcing minimum health and safety standards on the one hand and the risk of accelerating displacement of vulnerable residents on the other. The question at the center of this report asks how these tensions play out in gentrifying neighborhoods in Austin. Does neighborhood change caused by gentrification correlate with an increase in code complaint frequency in Austin neighborhoods, and if so, what might that indicate? The test results in Chapter 4 show that for every single complaint type, complaints are more frequent in tracts that are experiencing gentrification than in tracts that are not. Dissimilarities even emerge between gentrifying neighborhoods and not-gentrifying neighborhoods that have similarly vulnerable populations. This chapter explores and analyzes these variances and what they might signify. Background literature from Chapter 2 and stakeholder interviews from Chapter 5 provide support for these findings, complicate them, and point to takeaways and recommendations for code enforcement reform in support of vulnerable residents in Austin. I use the central findings of this report and supplementary interviews to make and support the following claims:

1. Code complaints occur more frequently in vulnerable and gentrifying neighborhoods than in “not gentrifying, not vulnerable” neighborhoods in Austin.

2. This difference in complaint frequency cannot be explained by housing stock quality and age alone.
3. Code complaints for multi-family properties are the most frequent in neighborhoods that are susceptible to gentrification and adjacent to a gentrifying tract, i.e. “next in line” to gentrify.
4. Land use, work without permit, and overall single-family violation frequencies spike in gentrifying and gentrified tracts (i.e. “later stage” tracts).
5. Property abatement complaints are more frequent in all vulnerable and gentrifying tracts, indicating that these complaints do not necessarily trend upward with gentrification, but rather are high for all tracts with low-income, demographically vulnerable residents.
6. The test results in this report might support claims of abuse of code enforcement by bad actor developers. However, complaint analysis alone cannot directly confirm these claims.
7. Austin Code’s mission and feedback from department supervisors tend to center on homeowners rather than renters. The department should consider better articulating its service to renters, especially concerning health, safety, and threat of displacement.
8. Code supervisors articulate officer discretion in the field as an equity tool that they use to help vulnerable residents. This may be true, but the impact of officer discretion would be difficult to measure and presents opportunities for abuse.

9. Interviewees have different points of view about tradeoffs between enforcing minimum health and safety standards on one hand, and the risk of accelerating unaffordability and displacement on the other. Rental registration and proactive enforcement could help preserve minimum health and safety standards for tenants, but the level of associated risk of accelerating rent hikes and displacement is unclear.
10. Austin Code and local advocate-experts need more data to better assess correlations and impacts between code enforcement and residential displacement in Austin. Austin Code has an opportunity to improve data hygiene and transparency practices in support of these efforts.

### **TAKEAWAY 1: CODE COMPLAINT FREQUENCY AND GENTRIFICATION CORRELATION**

**Code complaints are higher in gentrifying and vulnerable neighborhoods than in non-gentrifying neighborhoods in Austin.** Every test conducted for this report results in a clear distinction between low complaint frequencies in “not gentrifying, not vulnerable” tracts, and higher complaint frequencies in tracts that are in various stages of gentrification and residential displacement, or vulnerable to it. Tracts that are vulnerable, gentrifying, or gentrified receive more code complaints across the board than “not gentrifying, not vulnerable” tracts. It was not clear from interviews that this discrepancy is clearly understood within Austin Code. Code enforcement frequency in Austin as a spatially distinct phenomenon related to gentrification stage requires significant

consideration from the department. Austin Code interviewees were not explicitly aware of the distinctions in complaint frequency between gentrifying and non-gentrifying areas of Austin, however they were not surprised either. Austin Code supervisors are anecdotally familiar with the concept that Code is functioning differently in Austin's gentrifying neighborhoods. Yet this understanding does not seem to be systematic and strategic. Within the department, this phenomenon lacks data to back it up, and a clear strategic path to address it.

## **TAKEAWAY 2: THE HOUSING STOCK QUALITY FACTOR**

**The discrepancy between complaint frequency in non-gentrifying and gentrifying neighborhoods cannot be explained by housing stock quality and age alone.** Some interviewees wondered if the discrepancy between “not gentrifying, not vulnerable” tracts and tracts in gentrification stages might be a function of housing stock age or quality. This conclusion might be supported by the fact that “vulnerable but not gentrifying” tracts – tracts that are currently home to vulnerable low-income residents but are not currently experiencing displacement – tend to function more similarly to other tracts that are experiencing displacement than they do to “not gentrifying, not vulnerable” tracts. In this argument, the lower quality of the housing stock in historically low-income neighborhoods, whether they are gentrifying or not, would be the root cause of the higher frequency of code complaints in these neighborhoods, rather than any behavior related to gentrification.

However, the results of the complaint type tests would seem to refute this claim on two fronts: First, some complaint types increase or decrease significantly between gentrification stages. If higher frequency of code complaints could be explained by low-quality building stock alone, we would not see the rise in complaints for single-family homes in later-stage gentrifying and gentrified tracts (7.1% and 7.7% annually per occupied household) compared to vulnerable and susceptible tracts (5.5% and 4.7%). We would also not expect to see such a well-defined distinction in multi-family property complaints between vulnerable and susceptible tracts (2.7% and 3.7%), if housing conditions in these tract-types were similarly poor. This differences between tract types are ordinal, and not indicative of random variation.

Second, some complaint types that experience fluctuations in tracts at different stages of gentrification are not directly related to housing stock quality at all. In fact, it is these non-building condition-related complaint types that experience the greatest fluctuation between stages of gentrification. For instance, land use violations, which are tied to land development code and not related to housing stock quality, are approximately as low in vulnerable and susceptible tracts as they are in “not gentrifying, not vulnerable” tracts, at 1.1% to 1.3%, but leap up in gentrifying tracts to 2.5% and again in gentrified tracts to 3.4%. Work without permit complaints, which represent a lower share of overall complaints, follow a similar pattern with 0.1% to 0.2% per occupied household in not gentrifying, vulnerable, and susceptible tracts, then jump to 0.3% in gentrifying and 0.5% in gentrified tracts. At a minimum, poor housing stock in all neighborhood types with

vulnerable populations cannot alone account for these fluctuations between gentrification stages and fluctuations in non-housing quality-related complaint types.

### **TAKEAWAY 3: MULTI-FAMILY PROPERTY COMPLAINTS**

**Code complaints for multi-family properties are highest in neighborhoods that are susceptible to gentrification and adjacent to a gentrifying tract, or “next in line” to gentrify.** Test results indicate that multi-family properties in neighborhoods most at risk of displacement due to their vulnerable populations and adjacency to gentrifying tracts – in other words, neighborhoods where code pressure has the highest likelihood of resulting in condoization or sale and demolition – receive significantly more complaints than in any other type of neighborhood. The increase in complaints for multi-family properties between vulnerable but not gentrifying tracts (2.7% annually per occupied household) and susceptible tracts (3.7%) would be especially difficult to explain if neighborhood change were not a factor. The increase in (not multifamily specific) structural violation complaints in susceptible tracts roughly follows this same pattern. If, as local expert-advocates report, multi-family tenants are wary of calling in complaints themselves, we would not expect to see an increase in complaints as buildings become *more* susceptible to changes driven by market demand, which would increase risk of flipping or demolition and cause displacement. If it were true that bad actor developers abuse code enforcement to pressure property owners to sell their apartment buildings for new development, displacing low income residents, this test result would support that claim.

The structural violation trend also probably contradicts a theory floated by expert-advocate Jennifer that complaint increases in gentrifying neighborhoods could be an indication of wealthier residents with less fear of displacement calling on their own units. If this were the case, we would expect more structural violation complaints in later gentrification stages. In fact, we find the opposite.

#### **TAKEAWAY 4: LATE-STAGE GENTRIFICATION TRACT COMPLAINTS**

**Land use, work without permit, and overall single-family violations spike in gentrifying and gentrified tracts.** As indicated above, land use violation complaints are logged far more often in gentrifying and gentrified neighborhoods (2.5% and 3.4% annually per occupied household) than other neighborhood types (1.1% to 1.3%). Work without permit complaints follow a similar pattern, with 0.3% in gentrifying tracts and 0.5% in gentrified tracts, compared to 0.1% to 0.2% in other tracts. These findings could indicate more incompatible use and work without permits in gentrifying and gentrified neighborhoods, or the perception of more incompatible use. We may expect more development activity in neighborhoods experiencing gentrification and neighborhood change overall, which could see a parallel rise in land use violations and work without permit. This trend could also indicate that new builds in gentrifying neighborhoods are not bothering to follow development standards and protocols.

These complaints may also suggest social tension between new and old residents in neighborhoods experiencing gentrification. Lodging complaints against new builds and improvements could be a way for neighbors to vent their frustration or suspicion about

change in their community. Code supervisor Lacey suggested that a rise in overall complaints in gentrifying neighborhoods could be due to residents calling in complaints on new property owners who are making changes on their properties. The land use and work without permit complaint findings may support this hypothesis. If Code supervisor Lacey's theory is correct – that those being complained on are actually newer, wealthier residents – this would paint the neighborhood conflict tension in gentrifying neighborhoods in a different light than some of the community concerns described in Chapter 2 would suggest.

An inverted social tension hypothesis would be that new residents who hold different aesthetic and residential quality of life expectations are calling in code complaints on long-time residents in these neighborhoods. If this were the case, we might expect to also see similar trend upward in gentrifying and gentrified tracts for property abatement and structural violation complaints. However, those complaint types do not follow this pattern, and peak earlier in the cycle. It is also unlikely that the land use and work without permit complaint trend (that peaks in later stages) is an indication of abuse of the code complaint system by bad actor developers, as there would be a land-cost disincentive to wait so long in the gentrification cycle to start lodging these complaints.

Without knowing who is complaining on whom, it is difficult to assess why land use violation and work without permit complaints are so much higher in gentrifying and gentrified tracts than other tracts in Austin. However, the trend is clear and significant. One useful follow up test would be to compare the frequency of these complaint types against the number or percentage of new builds and improvements in a tract.



Overall complaints against single-family properties follow a similar pattern, and are significantly higher in gentrifying and gentrified tracts (7.1% and 7.7% annually per occupied household) than other tract types (More variation occurs between tract types for these test results, but the highest besides those two categories is 5.5%). Complaints against single-family properties in late-stage gentrifying and gentrified tracts could also support the “social tension between old and new resident” hypothesis. As with the other tests, we can observe the trend but cannot confirm the cause.

#### **TAKEAWAY 5: PROPERTY ABATEMENT COMPLAINTS**

**Property abatement complaints are high in all vulnerable and gentrifying tracts.** Property abatement complaints occur at a rate of between 3.4% and 4.3% annually per occupied household in all vulnerable and gentrification-stage tracts. This is considerably higher than the 1.8% frequency in “not gentrifying, not vulnerable” tracts. However, a clear ordinal trend does not appear within the vulnerable and gentrification-stage tracts. This indicates that these complaints do not necessarily trend upward with gentrification, but rather are high for all tracts with low-income, demographically vulnerable residents.

#### **TAKEAWAY 6: POSSIBLE DEVELOPER ABUSE OF COMPLAINT SYSTEM**

**The test results in this report might support claims of abuse of code enforcement by bad actor developers. However, complaint analysis alone cannot directly confirm these claims.** Spikes in complaint frequency for overall structural

violation complaints and multi-family complaints in susceptible tracts – which are adjacent to gentrifying tracts and vulnerable to gentrification – might suggest abuse of the code complaint system. Advocates suggest that vulnerable tenants generally don't want to call 3-1-1 out of fear of escalation and retaliation, and that even though retaliation against tenants is not legal, that doesn't mean that it does not occur. They suggest that it is inherently difficult for low-income tenants to mount a legal case against a landlord in such a situation. Given these concerns, it is difficult to imagine multi-family tenants in susceptible neighborhoods increasing complaints against their own landlords at a stage of neighborhood change in which they face a heightened risk of displacement.

Some Austin Code supervisors anecdotally suggest that bad actor developers are abusing Austin Code's reactive, complaint driven case generation system. If true, the increase in complaints against multi-family properties in susceptible tracts that are adjacent to gentrifying tracts could be an indication of this phenomenon. These findings may support the claim, and certainly do not contradict it. However, these tests do not identify who is doing the calling and on whom. Similar to the studies on 3-1-1 nuisance complaints in New York City discussed in Chapter 2, this data limitation keeps me from being able to confirm claims of bad actor abuse on a neighborhood scale.

#### **TAKEAWAY 7: AUSTIN CODE'S MISSION AND STRATEGIES**

**Austin Code's mission and feedback from department supervisors tend to center on homeowners rather than renters. The department should consider better articulating their service to renters, especially concerning health, safety, and threat**

**of displacement.** Austin Code’s mission is “to provide effective community education and fair and equitable enforcement of local property maintenance, land use and nuisance codes in order to gain and maintain compliance, so that Austin will be more safe and livable” (Wright, 2018, slide 31). When asked to articulate that mission, Code supervisors respond by highlighting three elements, in order: education, collaboration, then enforcement. The “education, collaboration, then enforcement” strategy, as articulated by interviewees, focuses more on homeowners than renters. Code supervisors clearly articulate education and collaboration strategies in terms of homeowner properties, and highlight the value of this community-focused mission in terms of low-income homeowners. However, the value of education and collaboration are less clear for tenants in rental units. Who is it that needs to be educated, and about what? Who does the code department hope to collaborate with, especially in situations where the landlord or property owner is not physically present in the community? As local expert-advocate Susan states, there is a power differential between tenants and landlords, and a primary component of the code enforcement mission is or should be to equalize that power differential. It is unclear how education and collaboration work to correct that power differential and support vulnerable tenants.

Crucially, every Austin Code supervisor interviewed for this report prioritizes equity. Austin Code supervisors are earnest and authentic in their desire to help vulnerable residents. They are sensitive to concerns that they could contribute to displacement, and wish to do right by vulnerable homeowners and tenants. If actions they are taking are resulting in poor health and safety, residential displacement, or neighborhood conflict,

this is not intentional on the part of Code field staff, who seek to “play for the community” (Richard interview, 2019).

However, in their conversations with me Code interviewees consistently used homeowners rather than renters as their hypothetical user. Local advocate-expert Susan states that the majority of Austin residents facing displacement risk are renters, not homeowners. If the prioritization and centering of homeowners is indicative of training in the department, this overlooks and undercounts Code’s responsibility to Austin’s vulnerable renters. Code’s mission is not clearly renter focused, and Code officers do not immediately consider tenants when imagining their interpretation of that mission.

Austin Code supervisors all indicate that they cannot treat homeowner and renter properties differently. They state that they are required to deal with the property owner regardless of the type of residence. However, foregrounding and addressing this distinction would seem to be vitally important in Code’s efforts to serve and be a part of communities, and to perform education and collaboration. Furthermore, expert and advocate Susan suggests that Code legally *can* develop separate strategies for renter-occupied and owner-occupied properties, or even develop different sub-units or teams to serve renter and homeowner populations. These different teams would be able to specialize in the impacts and needs surrounding their specific resident type. Advocates overall suggest that for renter-occupied properties, the role of code is not to educate and collaborate, but rather to correct the power asymmetry between landlords and tenants.

Code’s mission does not satisfactorily distinguish and prioritize resident/tenant health and safety over other enforcement. Code also does not have a clear strategy for how their “educate, collaborate, then enforce” mission helps renters, who make up the majority of Austin’s vulnerable residents. Code supervisors consider the property owner the person to “educate, collaborate, and enforce” with, yet it is unclear how this fits in with a) Code’s ‘equity’ mission, b) Code’s attempts to do outreach in communities, and c) Code’s charge – arguably their primary charge – to enforce minimum health and safety standards for vulnerable residents.

#### **TAKEAWAY 8: CODE OFFICER DISCRETION**

**Code supervisors articulate officer discretion in the field as an equity tool. This may be true, but the impact of officer discretion would be difficult to measure and presents opportunities for abuse.** The idea from Wilson (1978) in Chapter 2 that reactive enforcement allows a code enforcement department to prioritize inspector discretion and neighborhood conflict resolution does not reflect the way that Austin Code officers report that enforcement works in practice. In practice, Austin Code supervisors state that they must investigate and enforce each complaint to the letter of the law. They claim that they are not able to use discretion for most steps of the enforcement process in the field. (This is challenged by some local advocate and expert interviewees, who believe that in practice officers do use discretion.) In effect, then, the potential conflict resolution and community responsiveness advantages of reactive enforcement described by Wilson are not present on the ground. Instead, Austin Code supervisors indicate that

reactive enforcement is still “letter of the law” enforcement. Code supervisors indicate that the main space in which they may use discretion in decision making is in whether they allow extensions for compliance or not. Officers claim that they use extended compliance windows as an equity tool that allows low-income property owners more time to come into compliance than they would normally receive. They state that extended compliance windows are never allowed for landlords, and are often not used for higher-income residents. Aggregate data on when, how, and why officers use discretion in determining compliance extension windows would require considerable further research and analysis.

#### **TAKEAWAY 9: RENTAL REGISTRATION AND PROACTIVE ENFORCEMENT**

**Interviewees have different points of view about tradeoffs between minimum health and safety standards on one hand, and the risk of accelerating unaffordability and displacement on the other. Rental registration and proactive enforcement could help preserve minimum health and safety standards for tenants, but the level of associated risk of accelerating rent hikes and displacement is unclear.** Austin Code interviewees report that they are open to rental registration. Supervisor Lacey even states that she is confident that a more robust rental registration program will be implemented in the near future. Supervisor Matthew emphasizes that implementation of a strategy like rental registration would require action from City Council and could not be accomplished administratively within the department alone. Interviewees indicate that potential abuse of reactive, complaint driven code enforcement

and better protection of minimum health and safety standards for vulnerable tenants could both be resolved by a proactive enforcement strategy, such as rental registration with proactive enforcement.

Local advocate-experts weigh the pros and cons of a rental registration program with proactive code enforcement, and do not all come out on the same side in terms of how to balance the trade-offs between improving compliance with minimum health and safety standards for low-income tenants on the one hand, and the risk of accelerating displacement on the other in Austin's hot real estate market.

However, there are two major caveats: First, rental registration, as it would only apply to rental units, would not protect the homeowner market from abuses by developers or from code enforcement abuse driven by different quality of life expectations between residents in different demographics in changing neighborhoods. Second, as expert-advocate Rachael points out, strict, proactive mandatory minimum code enforcement could incentivize owners of low-income rental properties to recoup expenses by flipping, condo-izing, or selling for demolition. This could potentially lead to and even accelerate displacement of low-income residents.

However, expert-advocates Jennifer and Susan argue that the value of health and safety standards enforcement for vulnerable tenant-residents outweighs the risk of displacement. In addition to the effects on the health and safety of vulnerable tenants, not having rental registration also leads to informational asymmetry for tenants and advocates, poor incentives for tenants to feel safe calling in code complaints, and vulnerability to retaliation from landlords.

For rental properties in states without rent control, there is an unresolvable tension and conflict between housing affordability and, as Jennifer puts it, “the right to decent, safe housing.” Jennifer and Susan believe that a minimum health and safety standard must be enforced to protect vulnerable renters. Susan feels that if that standard is uniformly enforced then at least legal advocates have standing to litigate if retaliation occurs. On the other hand, Rachael raises concerns about whether the housing market would be able to bear if minimum health and safety standards were enforced proactively, or if it would trigger untenable rent hikes that would lead to displacement. She suggests that prioritizing tenant voices, though difficult, would at least give tenants themselves priority in decision making.

#### **TAKEAWAY 10: AUSTIN CODE DATA HYGIENE AND TRANSPARENCY**

**Austin Code has an opportunity to continue to improve data hygiene and transparency practices.** Better data hygiene at Austin Code will allow the department and local advocate-experts to accurately assess correlations and impacts between code enforcement and residential displacement in Austin. Data limitations stand in the way of an accurate and thorough assessment of the impact of code enforcement on residential displacement. More testing for change over time, violations in addition to complaints, and specific violation types would be helpful for improving our understanding of impact, and would require new or better data fields and public data sharing from Austin Code. Needed information includes more complete code complaint records over time (pre-2016), a categorical “renter/owner-occupancy” field, categorical “specific violation type”



field, and database level access to CV records in addition to CC records. As of April 2019, Code has released the “Repeat Offender Property Deficiencies” dataset that includes a categorical “Deficiency Category” field that provides specific, detailed, categorical information about violation types. The department should produce a similar column for all complaints and violation, and should make it available to the public.

More data and better understanding about cases involving renter-occupied properties and homeowner-occupied properties would clarify impacts for stakeholders, and could grow a better appreciation of the different impacts of code enforcement on renters and homeowners for Austin Code officers and leadership, and potentially even lead to more appropriate and impactful departmental strategy. Data hygiene issues affect the ability of stakeholders to assess the relationship between Austin Code activity and residential displacement. Lack of clear and query-ready categorical data about property-types and specific complaint-types also leads to internal process inefficiencies, for instance, when searching for ROP-eligible properties.

Code enforcement frequency in Austin follows patterns that correlate with gentrification and neighborhood change in ways that suggest the possibility that code complaints are being abused by bad actor developers or are an indication of social conflict driven by demographic change. Austin Code has an opportunity to clarify its impact on vulnerable residents – especially vulnerable tenants – and to clarify its mission and strategy in regard to supporting renters. The test results indicate that Code is a player in the larger ecosystem of neighborhood change in Austin. Whether the higher level of all

types of complaints in different stages of gentrifying neighborhoods is a part of cause or effect, Austin Code should seek to be an active player in interdepartmental coordination around issues of affordability, neighborhood change, and social tension, with departments such as Health and Human Services and Neighborhood Housing and Community Development.

## Chapter 7: Conclusion

In Chapter 1, I introduced three claims relating code enforcement and gentrification:

1. That code enforcement can be abused to place financial pressure on *low-income homeowners*, possibly by bad actor developers.
2. That code enforcement increases and accelerates risk of displacement for *low-income tenants* in gentrifying neighborhoods, by increasing the incentives for rental property owners to renovate and raise rents, fully redevelop the property, or sell to someone else who will do the same. The same potential for abuse of the complaint system by bad actors can occur for renter-occupied properties.
3. That *social tension* leads to an increase in code complaints, and that this stems from different aesthetic and quality of life expectations and perceptions from overlapping demographics in neighborhoods experiencing gentrification.

In this concluding chapter, I assess whether and how the quantitative test results and interviews in this report support these claims in Austin. Then I review the distilled takeaways from the last chapter, and turn them into a series of recommendations. Finally, I discuss opportunities for further research.

### CODE ENFORCEMENT, GENTRIFICATION, AND LOW-INCOME HOMEOWNERS

*What do the findings of this report have to say about the claims that Austin Code has increased enforcement in gentrifying neighborhoods, placing additional financial pressure on low-income homeowners and increasing their risk of displacement?*

This report shows that vulnerable and gentrifying tracts in Austin experience substantially more code complaints compared to “not gentrifying, not vulnerable” tracts. Furthermore, the already elevated frequency of complaints in vulnerable neighborhoods rises again in gentrifying and gentrified neighborhoods. If gentrifying areas experience an increase in visits from the Code Department as gentrification occurs, this might explain concern from homeowners about over-enforcement.

Austin Code does not track or release categorical information on whether its cases concern renter-occupied or owner-occupied properties. Therefore, it is difficult to assess what proportion of this increase in complaints is occurring on owner-occupied properties. By overlaying Austin’s zoning map over the complaints, I was able to isolate single-family residential complaints, and found that complaints on single-family properties rose dramatically in gentrifying and gentrified neighborhoods compared to the other categories. Additionally, Austin Code interviewees accept the suggestion that bad actor developers are abusing the reactive complaint-driven inspection system, and even provide some anecdotal support that they see this happening in Austin neighborhoods that are experiencing gentrification and displacement. “Single-family properties” is not a very helpful proxy for owner-occupied properties, but this result does not on its face contradict the claims of vulnerable homeowners. Categorical renter-/owner-occupancy data for complaints would be required in order to more accurately pinpoint this trend in terms of owner-occupied units only.

Although we see an increase in Austin Code activity in gentrifying neighborhoods, given the limitations described above, it is difficult to untangle pressure

being placed on homeowners from pressure on renters or social tension that is not directly driven by development activity. Code supervisors point out that even if low-income homeowners are feeling increased pressure from Code, field officers can and do link homeowners to programs that provide financial assistance to help bring properties into compliance while minimizing or eliminating additional financial burdens for vulnerable homeowners. Code supervisors also state that they can and do provide compliance deadline extensions for low-income homeowners who are showing a good faith effort toward coming into compliance. A final caveat: Some local expert-advocates point out that significantly more of Austin's vulnerable populations are renters than homeowners, and that Austin Code should calibrate their priorities accordingly.

#### **CODE ENFORCEMENT, GENTRIFICATION, AND LOW-INCOME RENTERS**

*What do the findings of this report have to say about the claims that code enforcement is accelerating displacement pressure for vulnerable tenants in gentrifying neighborhoods?*

As with owner-occupied properties, Austin Code data do not indicate whether a complaint occurs on a renter-occupied property. Though it is still an imperfect proxy, using multifamily residential properties as a stand-in for rental units may be a useful starting point. Complaints on multi-family properties peak in tracts that are susceptible to gentrification and adjacent to one or more currently gentrifying tract. Were these complaints tenant-driven, this would be an entirely counterintuitive outcome: This result would mean that tenants are complaining to Code about their own units *more* when the

threat of displacement is the most acute due to high incentives for property owners to sell or renovate. Structural violation complaints for all single-family and multi-family residential properties also rise in a similar pattern, peaking in susceptible tracts. Change over time analysis (which is not possible given the currently available data from Austin Code) would be able to confirm that this peak is occurring discretely during this *stage* of gentrification for individual tracts. Though it is not determinative, the patterns presented in the structural violation and multi-family test results align with claims of developer complaint system abuse.

Some local expert-advocate interviewees suggest that rental registration with proactive enforcement would prioritize the enforcement of minimum health and safety standards for vulnerable tenants and remove the potential for abuse of compliant-driven reactive enforcement. They argue that protecting the health and safety of vulnerable residents is paramount, and that affordability must be addressed by the City beyond the purview of code enforcement. However, one expert-advocate suggested that we should attempt to develop a better understanding and prediction model of the potential effect of rental registration on property owner and developer behavior prior to implementing rental registration, in order to avoid accelerating displacement and other unintended consequences as much as possible.

## CODE ENFORCEMENT, GENTRIFICATION, AND SOCIAL TENSION

*What do the findings of this report have to say about the claims that code complaints are increasing in gentrifying neighborhoods due to social conflict caused by different aesthetic and quality of life expectations between new and old residents?*

Land Use Violation complaints and Work Without Permit complaints spike in gentrifying tracts, and spike even higher in frequency in tracts that have already gentrified. The high frequency of these non-health and safety related complaints in later gentrification stages is curious. If this were the result of bad actor developers, we could perhaps assume that the rise in complaint frequency would occur in an earlier stage of gentrification, when land use prices are not quite as high yet. Instead, complaint frequency for these types increases significantly in neighborhoods that are already experiencing demographic change. This might indicate that this rise of complaints is occurring due to social conflict driven by overlapping demographics with different aesthetic and quality of life expectations.

Crucially, we cannot know who is calling on whom and what callers' motivations are. It is entirely possible that these results suggest that newer, wealthier residents in these neighborhoods are calling in complaints on neighbors who have been operating for years in current conditions without bringing code enforcement into the picture. One Austin Code supervisor interviewed for this report suggested the opposite, that this result might indicate that longtime residents in these neighborhoods might be calling in more complaints on newer residents and developers as they embark on new builds or substantial renovations. One key related limitation to these findings is that they do not

control for the number of new builds and substantial renovations in each tract, and one possible explanation could be that the rise in these types of complaints might simply be correlated to the ratio of new builds and renovations. Ruling this correlation out would be an opportunity for additional research.

If these findings do suggest that social tension between old and new residents in gentrifying neighborhoods is leading to an increase in code complaint frequency, many new questions emerge, many of which cannot be resolved quantitatively. Who is calling on whom? Are these complaints legally and technically valid, or are they linked to broader cultural misreading of the built environment? Are complaints a way for older residents to vent frustration on new residents and neighborhood change, or do they indicate that new residents socially normalize calling code as a way of avoiding direct conflict with neighbors? These questions cannot be directly answered from the results of this report and would require significant additional research. The findings in this report indicate that code enforcement concerning non-health and safety threats is being deployed in gentrifying and gentrified neighborhoods at a much higher rate than other Austin neighborhoods, but many questions remain as to why.

## **RECOMMENDATIONS**

Untangling the swirl of factors that lead to gentrification, residential displacement, and neighborhood demographic change is well beyond the scope of code enforcement to shape and affect. Yet the findings in this report suggest that regardless of intention, Austin Code's impact and footprint are different on the ground in neighborhoods



experiencing gentrification than in other Austin neighborhoods. Code reform cannot and will not resolve gentrification and displacement in Austin's vulnerable neighborhoods. But Code can take additional steps to clarify its mission regarding residents in vulnerable communities, and to minimize its impact or potential impact on accelerating displacement in these communities. The following recommendations point to ways that Austin Code might develop its understanding of its role in neighborhoods facing gentrification and displacement, and shape its strategies toward greater equity and minimizing negative impacts of enforcement for vulnerable populations. Some of these recommendations can be implemented administratively, without legislative action from Austin City Council, while others would require Council action.

1. *Develop two parallel departmental strategies, protocols, and/or officer-specialization, one for owner-occupied properties, and one for renter-occupied properties.* Austin Code rightly notes that they enforce on the property, not the occupant-type. However, clearly the impacts of enforcement play out differently for tenants and owners. Furthermore, interviews for this report suggest that this distinction between renter and owner is not necessarily foregrounded in departmental activity. If Code wishes to continue to value and prioritize equity and community collaboration, it is pivotal that the department be able to react with greater sensitivity to the distinction between the impacts of code enforcement on renters and homeowners. Differentiating strategic direction in this way could improve service for vulnerable renters and homeowners alike.

2. *Track occupancy status categorically for complaints and violations.* Simply tracking whether the properties Code officers visit are renter-occupied or homeowner-occupied is key to developing greater departmental capacity to react to renter versus homeowner needs. Currently Austin Code does not categorically track occupancy status at a database level. Doing so would enhance the department's ability to serve communities equitably. It would assist and enhance analysis of code enforcement's impacts in Austin, both within and outside of the department. It would also resolve the procedural inefficiency in identifying ROP-eligible properties; currently, separating renter-occupied from homeowner-occupied properties for ROP eligibility is a manual, non-automated process requiring Code personnel to research each potentially ROP-eligible property on a case-by-case basis.
3. *Continue to improve Austin Code data hygiene and public data availability.* Austin Code should make the much more specific and categorical violation description detail ("Deficiency Category") that is newly available in the "Repeat Offender Property Deficiencies" report available for all code complaints and violations at a database level. Make a code violation (CV) database available publicly at a database level similar to the current complaint (CC) database. Make available a more accurate code complaint and code violation dataset for pre-2016 complaints to allow for better change over time measurements. If possible, include the CC/CV number, date, violation type, priority (if available), and XY coordinates.

4. *Consider and explore policies and strategies that would minimize or eliminate the potential for abuse of the reactive code complaint system and prioritize the health and safety of vulnerable residents*, such as rental registration with proactive enforcement. Council, the City Manager's office, and Austin Code should gather and assess best practices and data on impacts of proactive enforcement in hot real estate markets. Explore ways to minimize displacement within a proactive enforcement scheme. For example, a voucher program might be considered to make up the gap in rising rents for low-income tenants after a building owner makes improvements triggered by code enforcement. Or, a tax abatement program could forgive property taxes for owners who make health and safety improvements but keep rents affordable. Prioritize and honor directly impacted voices within this discussion and process.
5. *Clarify how Austin Code's "educate, collaborate, then enforce" strategy works for tenants*. Clarify how this strategy prioritizes and helps protect minimum health and safety standards for vulnerable tenants. In support of Austin Code's "equitable enforcement" priority, help field officers develop nuance in their understanding of this strategy beyond the baseline homeowner-centric interpretation of this strategy. Address the fact that education and collaboration might not work for tenants the way they do for homeowners, or that they might not work the same way. Clarify how community collaboration works in tenant-occupancy situations where the owner is not physically present in the community.

6. *Enhance training and education within the department on gentrification and displacement.* Provide field officers with a conceptual framework and best practices for understanding how the department's work dovetails with these issues and may contribute to or amplify displacement pressure for vulnerable tenants and homeowners.
7. *Prioritize resident voices in agenda-setting and decision-making,* especially the voices of those most vulnerable to both poor housing conditions and displacement.
8. *Work closely, share information, and collaborate with other equity-focused city departments,* such as Neighborhood Housing and Community Development, Public Health, and the Equity Office. Develop shared goals and strategies with these departments to better understanding the impacts of code enforcement on vulnerable residents, and to develop shared people-focused strategies and tools. Consider the potential of strategic and value alignment with departments that prioritize service to vulnerable residents rather than or in addition to other enforcement agencies.

## **LIMITATIONS**

I have discussed limitations to the findings in this report throughout, but high-level limitations are worth reviewing as I conclude. Reactive enforcement code complaint datasets, like the datasets used in the New York City nuisance complaint studies discussed in Chapter 2, carry inherent limitations due to the inability to assess who is

doing the complaining, on whom, and why. An increase in code complaints could indicate a wide set of behaviors by a wide set of actors. Clarifying these activities is not necessarily in the realm of quantitative data analysis, and rather might be best advanced through thoughtful, in-depth qualitative and ethnographic sociological research.

In the absence of clear occupancy categories, I examined the frequency of code complaints in single-family and multi-family zoned areas. Obviously, these are not accurate proxies for renter or homeowner occupancy. There are many single-family homes that are renter-occupied, and multi-family units that are owner occupied. A categorical occupancy status field in Austin Code datasets would allow for more accurate accounting of the departments presence at and impact on different occupancy-status types.

Throughout this report, I use gentrification stage – from “vulnerable but not gentrifying,” to susceptible, then gentrifying, and finally gentrified – as a rough proxy for change over time. As these are temporal stages that neighborhoods that experience gentrification experience, this may be an appropriate proxy. However, better change over time analysis of discrete tracts would increase our understanding of fluctuations in code enforcement frequency as gentrification and demographic change occur. If a susceptible tract 10 years ago behaved differently than a susceptible tract today, this would be important information for this analysis. This cannot be tested with currently available data, as the accuracy of Code’s publically available database declines prior to 2016 in terms of comprehensiveness of entries.

For complaint-type specific tests, I used Austin Code’s broad complaint type categories (land use violation, structural violation, property abatement, and work without permit). I believe that these tests do separate out specifically health and safety related complaints (e.g., structural violation) from more aesthetic or at the least not directly health and safety-threatening complaints (e.g. land use violation). Nevertheless, these tests lack nuance as to individual complaint type characteristics. Any one of these broad categories contains a multitude of individual complaint types. A field containing categorical data on more specific complaint types and characteristics would allow for more nuanced testing.

Neighborhood change occurs quickly. The tract-level gentrification stage categorizations from the “Uprooted” report that were used for the tests in this report are mostly derived from ACS data collected between 2012 and 2016. The code complaint data is from the year 2018.<sup>16</sup> The experience and even the measureable change occurring on the ground in these neighborhoods may be greatly changed or accelerated since these data were collected. For instance, neighborhoods that were susceptible to gentrification in 2016 may be actively gentrifying now.

Interviews in this report are limited both in quantity and scope. I specifically sought out interview participation from both Austin Code officers and also local advocate-experts who had experience with code enforcement-related issues. I did not, however, seek out interviews with other key stakeholder groups. Other voices that would

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<sup>16</sup> I also tested 2016 code complaint data to determine the appropriateness of comparing 2016 gentrification stage data with 2018 code complaint data. Both the 2016 and 2018 code complaint data followed similar spatial and frequency patterns. This process is detailed in Appendix A.

provide critical insight for this research include directly impacted tenants, directly impacted vulnerable homeowners, new residents in gentrifying neighborhoods, and real estate development stakeholders.

## **FURTHER RESEARCH**

As discussed in the sections above, better categorical data and more data in general from Austin Code would allow for additional clarifying testing. Historical data would allow further research into tract-level change over time in code enforcement frequency. Categorical occupancy data would allow us to test whether complaints on renter-occupied and owner-occupied units follow similar patterns to those found in the test results in this report. With more nuanced complaint type details, we could explore the impact and frequency of different types of complaints on different property types and in different tract types. A more diverse set of interviewees could lead to a broader understanding of these phenomena and their interpretation by different stakeholder groups.

Furthermore, it would be helpful to compare the results of these tests in Austin to other cities that possess similarities and differences in terms of baseline demographics and neighborhood change patterns. The results of these tests in Austin could be compared against results in cities with proactive enforcement, or in cities with rent control. Rent control in particular would radically shift the underpinning dynamics that lead to the findings in this report.

I took inspiration for this report from the three studies discussed in Chapter 2 that compared neighborhood change and 3-1-1 nuisance complaints. However, I did not conduct a general 3-1-1 nuisance complaint comparison for Austin. To my knowledge no such report has been produced. Such a study would be interesting generally, but it would also be useful to compare the results of a nuisance/gentrification comparison against these code complaint/gentrification comparisons. I embarked on this study with the suspicion that code complaints might follow similar patterns to the 3-1-1 studies. However, do they in fact follow *measurably* similar patterns? How are they similar and how are they different?

Though it is well beyond the scope of this report, there appears to be a general need for more contemporary research, analysis, and best practice case studies on code enforcement and its impacts. Code enforcement functions in some ways as an “implementation” apparatus of city planning, and as indicated in this report, may additionally contribute to the direct shaping of urban development patterns. These functions, how code departments operate and define missions and goals in different cities, and the intended and unintended impact of code enforcement in American communities, are all ripe for further research contributions.

The findings in this report indicate that code complaints for all complaint types occur more frequently in gentrifying and vulnerable neighborhoods than in neighborhood that are not gentrifying and not vulnerable. Austin Code, the City of Austin, and community stakeholder have an opportunity to further consider the causes and impacts of



this disparate enforcement activity, and to develop more nuanced strategies to manage the impact of enforcement on different occupancy types, and contribute to displacement mitigation. In this way, Austin Code may grow to better serve both vulnerable homeowners and renters.

## **Appendix A: Testing a different year's code complaints: 2016 instead of 2018 code complaint data**

I conducted the tests described in Chapters 3 and 4 using the most recent data available for code complaints and gentrification typology, even though the comparison years are not a perfect match. The code complaint data used in these tests captures all code complaints in Austin in 2018. The “Uprooted” maps and data, however, primarily ACS 2016 5-year demographics. Because ACS 5-year data functions as a 5-year average, it is most representative of the year 2014. Unfortunately, at the time of writing this report, complete 2014 code complaint records are not publicly available.

However, the question is worth asking: Is it possible that some or all of the Vulnerable but not gentrifying tracts from the last test – which were observed as having similar rates of code complaints as gentrifying tracts – might by 2018 actually be gentrifying themselves? Though the test is imperfect, I nevertheless reproduced the test using 2016 code complaint records. The methodology for this test was otherwise identical to the methodology described in the last chapter (with the additional Vulnerable but not gentrifying category pre-emptively added for the first round of testing).

## 2016 FINDINGS

Analysis of Variance (One-Way)							
Descriptive Statistics							
Groups	Sample size	Sum	Mean	Variance			
Gentrified	6	0.44756	0.07459	0.00289			
Gentrifying	28	2.00501	0.07161	0.00196			
Not Gentrifying	116	4.00006	0.03448	0.00115			
Susceptible	22	1.40999	0.06409	0.00234			
Vulnerable but not gentrifying	10	0.64608	0.06461	0.00093			
Total	182		0.04675	0.00169			
ANOVA							
Source of Variation	d.f.	SS	MS	F	p-value	F crit	Omega Sqr.
Between Groups	4	0.04921	0.0123	8.4818	2.77169E-6	2.4227	0.14121
Within Groups	177	0.25674	0.00145				
Total	181	0.30595					
Residual standard error	0.03809						
Hartley Fmax (d.f. = 5, 115)	3.09966						
Cochran C (d.f. = 5, 115)	0.31174						
Bartlett Chi-square (d.f. = 4)	9.11513	p-value	0.05829				

Figure 9: 2016 Analysis of Variance, Code complaints per occupied household, tract-level, City of Austin, 2018

Although code complaint frequencies are lower across the board in 2016 compared to 2018, the categorical distinctions and differences follow a very similar pattern. Code complaint frequency in Not gentrifying tracts is relatively low (3.4%). The frequency in Vulnerable but not gentrifying tracts is significantly higher (6.5%). That rate is almost the same for Susceptible tracts (6.4%) before ticking up for Gentrifying (7.2%) and Gentrified (7.5%) tracts. However, the message is the same: Tracts that are vulnerable to displacement and/or experiencing gentrification and neighborhood change experience significantly higher rates of code complaints than tracts that are not gentrifying and are not vulnerable.

## **Appendix B: Additional methodology step-by-step details – managing and joining data layers and content**

This appendix provides additional details to the methodological processes described in Chapter 3. I conducted the first stage of analysis in ArcGIS. Using the x and y coordinates from the Austin Code Complaint Cases spreadsheet, all 2018 code complaints were projected onto the map of Austin. This map also contained as a layer all Austin census tracts with the Uprooted attributes (gentrification stage, vulnerability, neighborhood name, and census tract number) as well as useful tract level demographic information (total population and total occupied households). The gentrification typology census tract layer attribute information was then joined to the Austin Code Complaint Cases layer, so that each code complaint entry now expressed the attributes from the tract layer (gentrification stage of the tract in which the complaint originated, tract vulnerability, neighborhood name, tract number, total tract population, and total tract occupied households).

The Uprooted report excludes a handful of unique tracts from its analysis and that these tracts are not included in the gentrification typology tract layer used for this analysis. These tracts (the Austin-Bergstrom International Airport, the military base Camp Mabry, the abnormally dense and uniquely situated student-oriented West Campus neighborhood, the UT campus itself) were not included in the Uprooted report because they do not function as normal neighborhoods, and the demographic and housing market characteristics of these neighborhoods do not behave the way the vast majority of

neighborhoods do to gentrification and displacement. I decided to exclude these oddly behaving tracts from this analysis of code complaints and gentrification as well, for the same reasons.

The Austin Code Complaint Cases data are not split into residential and non-residential categories. Single family residential, multifamily, commercial, and industrial space code complaints are all lumped into the same dataset. Categorical data on these distinctions are not provided. The Uprooted report observes stages of *residential* gentrification and displacement (as opposed to commercial or cultural). This examination likewise seeks to understand the relationships between *residential* code complaints and residential gentrification and displacement. Downtown Austin may feature an abnormally high number of code complaints per occupied household, but we would expect that many or even most of those complaints would be non-residential given the overall character of the built environment and land uses in the Central Business District. Therefore, a strategy for isolating residential code complaints was developed: I overlaid the Austin zoning map on top of the other layers in order to isolate residential-only areas. The Austin Zoning Map features dozens of categories, which were combined for this purpose into “Residential”<sup>17</sup> and “Non-Residential.”

Planned Unit Developments and Mixed-Use zoned areas were excluded from the residential category for this study. One unfortunate loss from this decision is that of the

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<sup>17</sup> The residential category includes the following Austin Zoning categories: RR, SF1, SF2, SF3, SF4A, SF4B, SF5, SF6, MH, MF1, MF2, MF3, MF4, MF5, MF6.

Mueller development, a mixed-use planned unit development which lays adjacent to much of Austin's gentrification and displacement activity.

A new layer was then generated, with the Austin Code Complaint Case points (with joined gentrification typology layer data) clipped to the residential zoned areas only. This produced a new layer with only points in residentially zoned areas. The attribute table from this layer was then exported as a dataset.<sup>18</sup>

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<sup>18</sup> The resulting dataset contained 908 entries that had code complaints but no census tract or demographic info in the Uprooted layers. I looked at the addresses of 10 randomly selected entries (using a random number generator) of the 908 total to get a sense what areas they are coming from. 10 out of 10 randomly selected tracts were in the West Campus neighborhood, one of the tracts excluded from the "Uprooted" maps. In an earlier attempt using a non-random sample, I did find one entry that was not in West Campus that was in an unincorporated sliver of land in West Austin near Emma Long Metropolitan Park, surrounded by city-incorporated land. Because all of the tracts in the random and non-random samples were either in tracts excluded from the "Uprooted" maps or else not in the boundaries of the City of Austin, they were all excluded.

## **Appendix C: Adding a “vulnerability” category to the streamlined gentrification categories**

At the time of this study, access to pre-2016 code complaint volume data has not been provided by Austin Code and the City of Austin. Therefore, it is difficult to assess change over time for tracts experiencing neighborhood change. For example, if gentrifying tracts had a higher frequency of code complaints, it would not be possible to assess whether complaints in this tract type were always high even before they started to gentrify, or whether complaints increased with gentrification.

Another way to approximate an answer to this question is to separate out another tract category, for tracts that are not gentrifying or susceptible but possess all of the demographic markers of vulnerability to gentrification and displacement. These tracts have a higher rate of many of the five demographic categories that denote neighborhood change in the “Uprooted” report. This is not a perfect comparison: Changes in real estate, demographic, migration, and economic trends (to name a few) in Austin, the MSA, the nation, and even the world could mean that a vulnerable tract today may not behave exactly the way a vulnerable-then gentrifying-now tract behaved 15 years ago. But without access to code complaint data from these currently gentrifying tracts from some earlier point in time for comparison, observing code complaint frequency in vulnerable but not gentrifying tracts acts as a useful proxy for how tracts in stages of gentrification may have behaved prior to gentrifying.

The “Uprooted” report maps provides information on tract vulnerability in a separate “vulnerability” column. The vulnerability column has four possible ratings:

Not vulnerable

Vulnerable

More vulnerable

Most vulnerable

The vulnerability rating is an index of demographic indicators. Therefore, tracts can be “vulnerable” or “more vulnerable” and also show up in the typology column as already being at a stage of gentrification. Whether a vulnerable tract is gentrifying has to do with other indicators such as whether it’s experiencing demographic change over a period of time, and the housing market typology. In other words, there are some vulnerable tracts that are not currently gentrifying and others that are.

I am able to generate a new typology category called “vulnerable but not gentrifying” by identifying tracts that are listed as “vulnerable” or “more vulnerable” in the vulnerability column, *and also* listed as “not gentrifying” in the typology column. For tracts that meet these criteria, the designation in the typology category is changed from “not gentrifying” to “vulnerable but not gentrifying.” We now have two typology categories that represent non-gentrifying tracts: “not gentrifying,” which now represents tracts that are not gentrifying and do not have demographic profiles that are vulnerable to displacement, and “vulnerable but not gentrifying,” which indicates tracts that are not currently gentrifying but possess some combination of demographic characteristics that would make them vulnerable to displacement should pressure increase. Within the



constraints described above, we can expect that these “vulnerable but not gentrifying” tracts behave more or less similarly to the way currently susceptible, gentrifying, and gentrified tracts behaved prior to gentrification.

## **Appendix D: Interview Protocol**

As stated in Chapter 3, I used this basic protocol simply as a starting point for framing conversation. The interviews themselves were allowed to flow organically. From interview to interview I followed up on some questions in great detail, while other questions were not brought up much at all.

1. [For Austin Code supervisors] Describe your role at Austin Code and your history with the department. [For experts and advocates] Describe your relationship to and history with code enforcement issues in Austin.
2. [After showing and explaining results of quantitative and spatial tests] How do you interpret the results of these tests? How do you describe what you are seeing?
3. What additional tests or clarifications would help you interpret these results?
4. What, from your perspective, is the relationship between code enforcement and the displacement of vulnerable low-income renters, if any?
5. What, from your perspective, is the relationship between code enforcement and the displacement of vulnerable low-income homeowners, if any?
6. What is the mission of Austin Code?
7. What do you think the mission or highest priority of Austin Code should be?
8. What are your thoughts on reactive vs. proactive enforcement?
9. What are your thoughts on the use of anonymous complaint systems in Code Enforcement? Do you see examples of abuse of this system?

10. Are there any reforms to the code enforcement process that you believe would improve the protection of vulnerable residents?
- a. What are the barriers to these reforms being enacted?

## Appendix E: Test result tables

In Chapter 4, all test results are presented as bar charts for visual clarity. This appendix displays all test results as tables with specific values.

### **Analysis of Variance: City of Austin 2018 tract-level code complaints (CC) per occupied household (OccHH)**

<b>Neighborhood Type</b>	<b>CC/OccHH</b>
Not gentrifying, not vulnerable	3.9%
Vulnerable but not gentrifying	8.0%
Susceptible	7.4%
Gentrifying	8.9%
Gentrified	8.5%

Table 4: City of Austin 2018 tract-level code complaints per occupied household

### **Analysis of Variance: City of Austin 2018 tract- level Land Use Violation code complaints (CC) per occupied household (OccHH)**

<b>Neighborhood Type</b>	<b>CC/OccHH</b>
Not gentrifying, not vulnerable	1.3%
Vulnerable but not gentrifying	1.2%
Susceptible	1.1%
Gentrifying	2.5%
Gentrified	3.4%

Table 5: City of Austin 2018 tract-level Land Use Violation code complaints per occupied household

### **Analysis of Variance: City of Austin 2018 tract- level Property Abatement code complaints (CC) per occupied household (OccHH)**

<b>Neighborhood Type</b>	<b>CC/OccHH</b>
Not gentrifying, not vulnerable	1.8%
Vulnerable but not gentrifying	4.3%

Susceptible	3.4%
Gentrifying	3.8%
Gentrified	3.5%

Table 6: City of Austin 2018 tract-level Property Abatement code complaints per occupied household

<b>Analysis of Variance: City of Austin 2018 tract-level Structural Violation code complaints (CC) per occupied household (OccHH)</b>	
<b>Neighborhood Type</b>	<b>CC/OccHH</b>
Not gentrifying, not vulnerable	0.6%
Vulnerable but not gentrifying	2.3%
Susceptible	2.8%
Gentrifying	2.2%
Gentrified	1.1%

Table 7: City of Austin 2018 tract-level Structural Violation code complaints per occupied household

<b>Analysis of Variance: City of Austin 2018 tract-level Work Without Permit code complaints (CC) per occupied household (OccHH)</b>	
<b>Neighborhood Type</b>	<b>CC/OccHH</b>
Not gentrifying, not vulnerable	0.2%
Vulnerable but not gentrifying	0.2%
Susceptible	0.1%
Gentrifying	0.3%
Gentrified	0.5%

Table 8: City of Austin 2018 tract-level Work Without Permit code complaints per occupied household

<b>Analysis of Variance: City of Austin 2018 tract-level Single-family code complaints (CC) per occupied household (OccHH)</b>	
<b>Neighborhood Type</b>	<b>CC/OccHH</b>
Not gentrifying, not vulnerable	3.4%
Vulnerable but not gentrifying	5.5%

Susceptible	4.7%
Gentrifying	7.1%
Gentrified	7.7%

Table 9: City of Austin 2018 tract-level Single-family code complaints per occupied household

**Analysis of Variance: City of Austin 2018 tract-level Multi-family code complaints (CC) per occupied household (OccHH)**

<b>Neighborhood Type</b>	<b>CC/OccHH</b>
Not gentrifying, not vulnerable	0.8%
Vulnerable but not gentrifying	2.7%
Susceptible	3.7%
Gentrifying	2.3%
Gentrified	0.8%

Table 10: City of Austin 2018 tract-level Multi-family code complaints per occupied household

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